

Environmental Health and Regulation Committee

Sutherland Shire
COUNCIL 

02/11/2015	EHR030-16
Report Title:	SSLEP2015 - Minor Amendments to Zones, Other Maps and Schedules
File Number:	2015/220811
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REPORT SUMMARY

EXECUTIVE SUMMARY:

Sutherland Shire Local Environmental Plan 2015 (SSLEP2015) was made by the State Government on 23 June 2015. During the final consideration of the submissions received to the draft plan, a number of issues were raised which had merit but which were not incorporated into the final plan. Council formed the view that it was not in the public interest to further delay the plan by making more changes. Instead it called for these matters to be further considered following the making of the plan. Since the plan was made on 23 June 2015 several anomalies, errors or omissions have also been identified. This report details some of the outstanding planning matters previously identified as well as necessary minor amendments to zones, maps and schedules identified subsequent to the plan being made. It provides recommendations as to how these matters should now be dealt with.

SUMMARY OF RECOMMENDATION:

This report deals with a number of fairly minor matters which can be addressed through amendments to SSLEP2015. The recommendation of the report is complex because a specific recommendation is made in relation to each issue addressed in the report. In essence the recommendation requires the issues to be included in a Planning Proposal for referral to the NSW Planning and Environment for approval so that they can be exhibited as part of a consolidated amendment to the LEP.

FINANCIAL / RESOURCE IMPLICATIONS:

The preparation of a Planning Proposal to progress these LEP amendments is budgeted for within the allocation to the Environmental Planning Unit.

RELATIONSHIP TO STRATEGIC DIRECTIONS:

These matters are consistent with the broad policy directions contained in the draft Metropolitan Strategy for Sydney and support Council's community plan known as 'Our Shire Our Future: Our Guide for Shaping the Shire to 2013'. They do not contravene any State Environmental Planning Policies (SEPPs).

POLICY / LEGAL IMPLICATIONS:

The Planning Proposal recommended through this report will amend SSLEP2015.

LIST OF APPENDICES:

NIL

PREVIOUS CONSIDERATION / HISTORY OF MATTER:

DAP043-15 📄 Results of Draft Sutherland Shire Local Environmental Plan 2013 (LEP3) Exhibition - 10 November 2014

DAP035-16 📄 SSLEP2015 Amendment 4 - 6 October

DAP099-14 📄 Additional Report - Outstanding Matters Excluded from draft SSLEP2013

DAP139-14 📄 2R Alexander Avenue, Taren Point

CCL034-14 📄 Additional Report - Outstanding Matters Excluded from draft SSLEP2013

CCL007-15 📄 Finalisation of DSSLEP2013 (LEP3) for Exhibition

BDS023-14 📄 Proposed Reclassification of a Public Reserve at 1 Myuna Place, Lilli Pilli

BDS035-16 📄 Outcome of Negotiations for the Acquisition of Part of Council Land at 1 Myuna Place, Port Hacking

WKS015-16 📄 Preliminary Assessment of Potential Skate Park Locations in the Como/Jannali Area

WKS014-16 📄 Proposed Sutherland Shire Community Recycling Centre

REPORT IN FULL

Introduction

Sutherland Shire Local Environmental Plan 2015 (SSLEP2015) was made by the State Government on 23 June 2015. During the final consideration of the submissions received to the exhibition of the draft plan, a number of planning issues were raised that could not be addressed by amendments to the plan without necessitating a fourth exhibition of the draft plan. Council was of the view that to further delay the new LEP was not in the public interest.

At its meeting of 10 November 2014 (DAP043-15), Council finalised the content of the new LEP. The report detailed matters where issues raised in submissions warranted a further review of specific aspects of the plan. In relation to these matters Council resolved:

8. *That the Environmental Planning Unit prepare a report for Council's consideration detailing any amendments to the new Local Environmental Plan that it considers would be appropriate given the issues raised in submissions and provide Council with an understanding as how these projects may be accommodated on the work program of the unit.*

This report addresses some of these issues, as well as a number of other anomalies, errors or omissions that have been identified in SSLEP2015. These matters relate to minor amendments to the zoning of properties, mapping changes and schedules. Specifically this report deals with:

1. Zoning of Soldiers Road Oval/Jannali Baseball Field
2. Location of the Foreshore Building Line at 285, 289 and 291 Woollooware Road, Burraneer
3. Zoning of 7 Preston Avenue, Engadine
4. Zoning 66-74 Karimbla Road, Miranda
5. Zoning of Sydney Water Assets
6. Zoning of 574 Kingsway, Miranda
7. Heritage Amendments
8. Updates to the Land Reservation Acquisition Map
9. Mapping Anomalies
10. Corrections to zoning along the foreshore

11. Additions to the Royal National Park
12. Inclusion of Inclinator as a Permissible Use
13. Correction of drafting errors
14. Rezoning of 2 Mitchell Avenue, Jannali
15. Matters requiring Reclassification and Rezoning of Land
16. Proposed Community Recycling Centre
17. Rezoning Carol Avenue Reserve, Jannali to RE1 Public Recreation

1. Zoning of Soldiers Road Oval/Jannali Baseball Field

Soldiers Road Oval is utilised as the Jannali Baseball Field. During the finalisation of SSLEP2015, it was noted that two zones (RE1 Public Recreation and E2 Environmental Conservation) have been applied to the oval but the zoning boundary does not relate to the actual extent of the baseball field.

Soldiers Road Oval forms part of the land previously referred to as Jannali Reserve, dedicated for the purpose of 'Public Recreation' in the NSW Government Gazette of 18 October 1935. The remainder of 'Jannali Reserve' now forms part of Burnum Burnum Sanctuary.

Most of Soldiers Road Oval was used in the 1970s for women's hockey and since 1981 for baseball. Following the bush fires of January 1994 the baseball field was enlarged. Currently, the diamond is used for baseball, and a cleared area to the south of the diamond serves as a firebreak and is used for warm-ups by baseball teams and for T-ball games. Part of Soldiers Road Oval encroaches on the landholding of Jannali Public School, although this area is not utilised by the school.



Figure 1 Jannali Baseball Field - Soldiers Road Oval indicated by white boundary line

Most of the baseball diamond and the area occupied by the canteen/clubhouse is zoned RE1 Public Recreation, consistent with the recreational use of the land. The western portion of the baseball diamond is zoned E2 Environmental Conservation, a transfer from the previous 7(b) Environmental Protection (Bushland) under SSLEP2000 and the same zone as the adjacent

Burnum Burnum Sanctuary.

Ideally, the whole of the Soldiers Road Oval should be zoned RE1 Public Recreation. However, this is not possible as the oval encroaches on the landholding for Jannali Public School. It is, therefore, suggested that the zoning be 'squared off', as indicated in the Figure 2 below. There are no cadastral boundaries to follow, so it is proposed that the westernmost boundary run parallel and adjacent to the existing RFS firetrail through Burnum Burnum Sanctuary and incorporates all of the baseball oval and a stretch of uncleared land. The southern boundary is an 'extension' of the current boundary between the school and the oval. A portion of the oval will not be zoned RE1 Public Recreation.



Figure 2 Area proposed to be zoned RE1 Public Recreation

It is recommended that Jannali Baseball Field and the adjacent land indicated in Figure 2 (Part of Lot 200 DP 1081859 and Part of Lot 1230 DP 821652) be zoned RE1 Public Recreation. Not only will a RE1 zone better reflect the actual use of the land, but it will simplify the approval process for any future work to the grounds.

2. Location of the Foreshore Building Line at 285, 289 and 291 Woollooware Road, Burraneer

Submissions to the first and third exhibition of DSSLEP2015 requested an amendment to the Foreshore Building Line (FBL) on 291 Woollooware Rd, Burraneer.

The Mean High Water Mark (MHW) on the Deposited Plan for 291 Woollooware Road, (dated 1969), on which the FBL was originally based, did not correlate with the location of the rock face forming the land/water boundary on lot. A new Deposited Plan registered in July 2012, indicates the corrected MHW. In response to the first submission received, an amendment to the FBL on 291 Woollooware Road was made. However, as the location of the FBL is also influenced by the MHW on adjacent properties, the change was only minor.

To fully respond to the submissions, the MHW for 289 and 285 Woollooware Road were also required to be resurveyed and registered as a new Deposited Plan correcting the position of the MHW for this lot. A new Deposited Plan for 289 Woollooware Road was registered in January 2015.

As the new Deposited Plans for both 289 and 291 Woollooware Road have now been registered, it is appropriate that the FBL be amended. However, because 285 Woollooware Road has not been resurveyed, the extent of the change is not as significant as it could have been.

Based on the redefined location of the MHWL on 289 and 291 Woollooware Road, the FBL for 291, 289 and 285 Woollooware Road has been remapped, as indicated by the blue line below. It is recommended that this line be adopted as the FBL applicable to these lots.

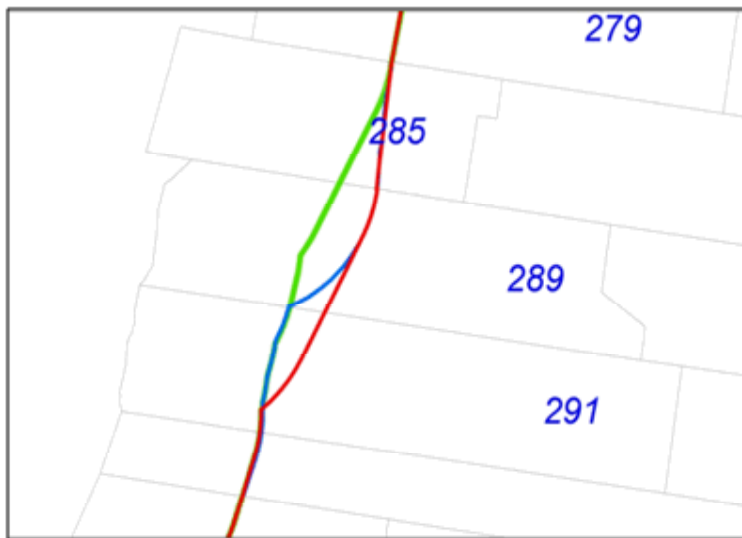


Figure 3 - Amended Foreshore Building Line - 289 and 291 Woollooware Road, Burraneer Red line – SSLEP2015 FBL; Blue line – Proposed FBL; Green line – previously supported FBL (post LEP2 exhibition).

It should be noted that this amended FBL does not correspond with the FBL endorsed by Council in finalising the draft LEP (as indicated by the green line). This is simply because the MHWL at 285 Woollooware Road has not been redefined to date. However, this is not a significant matter for concern, as the request was focussed on 291 Woollooware Road, and this recommendation addresses this request.

In 2011, Council adopted an over-arching zoning principle for land at the land/water interface. It requires that a land-based zone be applied to land above the MHWL indicated on a current plan of survey and a water-based zone applied to land below the MHWL (SDC017-12). As a consequence, the zoning of 289 Woollooware Rd, Burraneer should be amended so that the whole lot is zoned E4 Environmental Living.

As the Deposited Plan changes the cadastre on which the LEP mapping is prepared, corresponding amendments to a number of other map series are required to ensure consistency in the LEP. The affected maps are:

- Terrestrial Biodiversity – to identify the whole lot as Environmentally Sensitive Land
- Flood Planning – to remove the land above the MHWL on the lot from the map
- Floor Space Ratio – to identify the FSR applicable to the whole lot
- Height of Buildings – to identify the maximum building height applicable to the whole lot
- Landscape Area – to identify the landscape area requirement applicable to the whole lot
- Minimum Lot Size – to identify the minimum lot size applicable to the whole lot.

3. Zoning of 7 Preston Avenue, Engadine (Lot 5 DP 232490)

A submission was received during the third exhibition of DSSLEP2015 regarding the land at 7 Preston Avenue, Engadine. The submission requested that the site be rezoned from R4 High Density Residential to the B3 Commercial Core zone, as the size and dimensions of the property makes it unable to develop as residential units.

The site is located at the southern edge of the B3 Commercial Core zone, with the Engadine Hotel car park adjoining the site to the north and west. A residential flat building adjoins the site to the south. A mixed use development (within the B3 zone) is located to the east, on the opposite side of Preston Avenue. The site and its zoning context are illustrated in Figure 4 below.

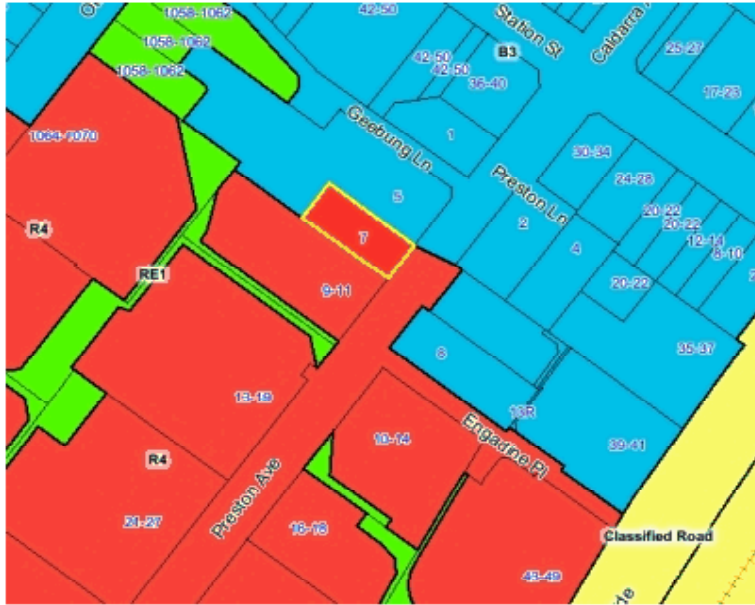


Figure 4 SSLEP2015 Zoning of 7 Preston Avenue, Engadine (Yellow line identifies site boundaries)

Under the SSLEP2006, the subject site was zoned as Zone 6 Multiple Dwelling B, permitting a residential flat building. SSLEP2015 transfers the site to the equivalent zone, being the R4 High Density Residential Zone. A height of 16m, FSR of 1.2:1 and landscaped area of 30% have been given to the land.

The site is 556 m² in area with a frontage of 15m to Preston Avenue. The small size of the lot will restrict its development potential for residential flats and as such redevelopment is unlikely to be achieved. As there is an existing residential flat development to the south and the B3 zone boundary adjoins the property to the north and east, the site is effectively isolated if it retains the R4 zoning.

The adjoining site to the north and west (the at-grade Engadine Hotel car park) could be redeveloped. Given the commercial zone and the height and density permitted under the plan, redevelopment of the surface car park can be expected at some future time. Incorporating the site into the B3 zone would facilitate its redevelopment as part of a larger, amalgamated site.

The B3 zone is an open business zone and affords the land greater permissibility than the R4 High Density Residential zoning. Applying the same controls as that affecting the adjoining B3 land, the subject site would have an FSR increase from 1.2:1 to 2:1 and a maximum building height increase from 16m to 20m. There is no landscaped area requirement in the B3 zone.

Increased development on the land is suitable if appropriately designed and setback to maintain solar access to the adjoining residential land to the south.

At present the draft DCP proposes a nil setback from ground floor uses in the B3 zone. Given this site directly adjoins a purely residential development, should the land be redeveloped, there is potential for amenity impacts on the neighbouring residential land to the south if a nil setback is applied. To ameliorate any amenity impacts from a potential redevelopment on the subject site, a specific DCP clause should be prepared which requires a 3m ground floor setback to the adjoining residential land to the south. This setback will help maintain amenity to the adjoining land and allow area for sufficient landscaping. Should any development on the land propose residential flats to a height of 20m, the development would be required to be built in accordance with the provisions of SEPP 65 which requires greater upper level setbacks and separation between the adjoining dwellings.

While the change in zone from R4 to B3 will affect the type and form of development on the land, the site is located at the edge of the centre and the adjoining land to the north is currently zoned accordingly. It is therefore recommended that the subject site be rezoned and take on the applicable development standards of the B3 Commercial Core zone, resulting in an increase in the maximum permissible building height from 16m to 20m and in the FSR from 1.2:1 to 2:1 and a removal of the landscape area requirement.

4. Zoning of 66-74 Karimbla Road, Miranda (Lot 6 DP 566645)

The subject property (Lot 6 DP 566645) is a separate lot forming part of the southern section of Centenary Park, located at 66-74 Karimbla Road, Miranda. The parcel of land was exhibited in LEP1, LEP2 and LEP3 as being zoned R3 Medium Density Residential. The land is approximately 224m² in area, owned by Sutherland Shire Council and is 'community' non-rateable land. The subject land is shown below outlined in red.



Figure 5 Zoning Map – SSLEP2015 and Aerial Map - Detail of subject area

During the third exhibition of DSSLEP2015, submissions were received from nearby residents objecting to the proposed residential zoning of the land. The submissions requested that the land be re-zoned consistent with the surrounding park land in order to reflect the use of the site. In addressing the submissions received to the third exhibition of the LEP, it was recommended that a report be prepared which considers the merits of rezoning this land to RE1 Public Recreation.

The subject property at 66-74 Karimbla Road, Miranda was residentially zoned (Zone 4 – Local

Housing) under SSLEP2006. Research confirms that there are no Council reports indicating any interest in disposing of this land or for any alternative uses of the land in the future. The rezoning of this land to R3 Medium Density Residential in SSLEP2015 appears to be the simple, unintentional compounding of an historic drafting anomaly carried over from SSLEP2006. It is considered that re-zoning this land RE1 Public Recreation consistent with the zoning of the entirety of Centenary Park accurately reflects the use of this parcel of land.

Given the subject parcel of land currently forms part of the park, and is of a relatively small size, the residential zoning applied to the land is not considered appropriate. With increased densities surrounding the site, it is considered that re-zoning the park to ensure its long term use as public open space is appropriate and reflects the current and future anticipated use of the land. Rezoning this lot will require consequential changes be made to remove development standards from the relevant maps.

5. Zoning of Sydney Water Assets

During the preparation of SSLEP2015, Sydney Water made two submissions. Both submissions indicated the authority's preferred zoning for each asset type forming part of their infrastructure network. The first submission (April 2013) indicated Sydney Water's preferred zoning for various categories of assets e.g. wastewater treatment plants, water filtration plant. As far as possible, SSLEP2015 aligns with the zones requested in this submission for the identified assets.

In response to the third exhibition of the draft LEP, Sydney Water made a second submission (October 2014). This submission indicated a change in the authority's position to the zoning of wastewater pumping stations and water pumping stations. As the requested zone for these assets meant rezoning of lots to a zone which had never been publicly exhibited, it was considered appropriate for the request to be pursued in an amendment subsequent to the making of SSLEP2015.

SP2 Infrastructure is Sydney Water's preferred zone for its assets as it reflects the existing use of the land. Sydney Water contends that the SP2 Infrastructure zone will not create unrealistically high development expectations for current and future landowners and ensure that the dominant function of the land and Sydney Water assets are protected. Although this zoning would not be strictly in accordance with the LEP Practice Note, since the Practice Note was issued, there has been increasing flexibility in the use of the SP1 Special Activities and SP2 Infrastructure zones.

Analysis of the Sydney Water submission has identified 77 lots affected by the request. The 4 lots categorised as 'water pumping stations' are requested to be rezoned to SP2 Infrastructure (Sewerage System) and 73 lots categorised as 'wastewater pumping stations' are requested to be rezoned to SP2 Infrastructure (Water Supply).

These lots are currently zoned the same as the surrounding land, as follows:

- B1 Neighbourhood Centre (3 lots)
- B7 Business Park (1 lot)
- E2 Environmental Conservation (11 lots)
- E3 Environmental Management (13 lots)
- E4 Environmental Living (13 lots)
- IN1 General Industrial (3 lots)
- R2 Low Density Residential (1 lot)
- R4 High Density Residential (1 lot)
- RE1 Public Recreation (22 lots)

- Split zones (1 lot RE1 Public Recreation & SP2 Infrastructure (Classified Road) and 1 lot RE1 Public Recreation and B1 Neighbourhood Centre)
- W1 Natural Waterways (2 lots)
- W2 Recreational Waterways (1 lot)
- SP2 Infrastructure (Sewerage System) (3 lots)

The lots zoned B1, B7, E3, E4, IN1, R2 and R4 are located within established residential, commercial and industrial areas. The lots zoned E2 are located within undeveloped bushland areas or within the boundaries of the national parks, but do not form part of the National Parks Estate. The lots zoned RE1 are generally located within or immediately adjacent to existing recreation areas – parks or reserves. The W1 and W2 zoned lots are located within the waterways.

Sydney Water can undertake its development and works, and operating and maintenance activities on any land zoning under the State Environmental Planning Policy (Infrastructure) 2007. Therefore, the zoning of the land will have no impact on the permissibility of Sydney Water's activities. Discussions with officers from Sydney Water have clarified that the zoning applied to land can have implications relating to land taxes and Council rates and hence, Sydney Water's ongoing operating costs.

The legislative framework for the rating of properties is the Local Government Act 1993. This provides that all land in an area is rateable, unless it is exempt. Sydney Water owned properties are exempt if they are within a declared 'special area' or 'controlled area'. There are no 'controlled areas' within Sutherland LGA. The only 'special area' is the Woronora Special Area. None of the properties to which the request applies are within the Woronora Special Area. All the properties are, therefore, rateable.

Properties are rated according to their dominant use, if this use is agricultural activities, residential accommodation or mining. If the land cannot be categorised as any of these, the land is categorised as 'business' for rating purposes, unless it is vacant in which case it is categorised according to the zoning applied. Of the 77 lots, 49 lots are categorised as 'business' for rating purposes. These are mainly located within the developed parts of the Shire and zoned similarly to the adjoining properties. The other 28 lots, which are located within bushland, open space areas or within the boundaries of the national parks, are not rated. As rating is based on the use of lots, rather than zoning, changing the zoning of lots to a Special Purposes zone will not affect the levying of rates on these properties.

It is recommended that the request from Sydney Water for the rezoning of its wastewater pumping stations and water pumping stations be zoned SP2 Infrastructure (Water Supply) or SP2 Infrastructure (Sewerage System) should be supported. The following properties should be rezoned SP2 Infrastructure (Water Supply):

Lot 10 DP 1047868	48R Liverpool Street, Bundeena
Lot 1 DP 567699	2R Ellis Street, Sylvania
Lot 1 DP 586904	85B Prince Edward Park Road, Woronora
Lot 1 DP 558511	12R Bay Road, Taren Point
Lot 1 DP 584277	1R Shirley Road, Miranda

Lot 1 DP 569800	72R Belgrave Esplanade, Sylvania Waters
Lot 1 DP 605978	147B Lower Washington Drive, Bonnet Bay
Lot 1017 DP 260670	147B Lower Washington Drive, Bonnet Bay
Lot 1 DP 828667	23R Green Point Road, Oyster Bay
Lot 1 DP 814764	23R Wiggins Avenue, Como
Lot 114 DP 260718	24R Glenhaven Place, Oyster Bay
Lot 34 DP 238109	1 Liffey Place, Woronora
Lot 876 DP 243686	4 Pascha Place, Kareela
Lot 1 DP 805941	8 Tasman Street, Kurnell
Lot 1 DP 578648	103 Tara street, Sylvania
Lot 1 DP 578926	66R Connell Road, Oyster Bay
Lot 1 DP 596086	200R North West Arm Road, Grays Point
Lot 1 DP 828665	93R St George Crescent, Sandy Point
Lot 1 DP 814765	33R Bonnet Avenue, Como
Lot 3 DP 814765	33R Bonnet Avenue, Como
Lot 520 DP 236743	37 Van Buren Circuit, Bonnet Bay
Lot 820 DP 259014	13 Arthur Street, Bonnet Bay
Lot 1 DP 547706	43B The Esplanade, Sylvania
Lot 2 DP 614091	156 Prince Edward Park Road, Woronora
Lot 1174 DP 262462	179B Washington Drive, Bonnet Bay
Lot 1 DP 1049533	197C Washington Drive, Bonnet Bay
Lot 1 DP 200123	44R Waratah Street, Cronulla
Lot 1 DP 200124	54R Glaisher Parade, Cronulla
Lot 1 DP 200269	75B The Esplanade, Cronulla
Lot 1 DP 217569	3R Darook Park Road, Cronulla
Lot 1 DP 225559	25B Murrumbidgee Avenue, Caringbah
Lot 1 DP 543755	71B Holt Road, Taren Point
Lot 1 DP 561361	81R Carvers Road, Oyster Bay
Lot 1 DP 570656	223R Oyster Bay Road, Como
Lot 1 DP 571182	86B Como Road, Oyster Bay
Lot 1 DP 575521	119R Lilli Pilli Point Road, Taren Point
Lot 1 DP 580112	73R Cremona Road, Como

Lot 1 DP 603064	13 Apsley Place, Taren Point
Lot 1 DP 625476	223H Belgrave Esplanade, Taren Point
Lot 1 DP 583747	71B Holt Road, Taren Point
Lot 2 DP 1088319	119R Lilli Pilli Point Road, Taren Point
Lot 5 DP 842946 (excluding part previously forming Lot 1 DP 876077)	15R Menai Road, Woronora
Lot 1 DP 602360	1R Grays Point Road, Grays Point
Lot 1 DP 827997	1R Delta Street, Sutherland
Lot 1 DP 869129	69R Yanagang Street, Waterfall
Lot 10 DP1047870	1R Park Road, Maianbar
Lot 355 DP 748954	5 Mannikin Drive, Woronora Heights
Lot 356 DP 748954	1R Mannikin Drive, Woronora Heights
Lot 1 DP 1047125	69R Pacific Crescent, Maianbar
Lot 2 DP 1047125	67R Pacific Crescent, Maianbar
Lot 250 DP 1047123	1R Bundeena Drive, Bundeena
Lot 1 DP 551410	346R Burraneer Bay Road, Caringbah South
Lot 1 DP 590679	103 Tara street, Sylvania
Lot 1 DP 712880	16R Kurramatta Place, Cronulla
Lot 3 DP 862912	3R-5 Mansion Point Road, Grays Point
Lot 1 DP 106963	59R-61R Taloombi Street, Cronulla
Lot 1 DP 442583	59R-61R Taloombi Street, Cronulla
Lot 1 DP 630540	2C Bottle Forest Road, Heathcote
Lot 1 DP 631300	5 Dover Place, Engadine
Lot 1 DP 579795	223E Belgrave Esplanade, Sylvania Waters
Lot 31 DP 1023169	17 Northumberland, Caringbah
Lot 43 DP 262446	22 Resolution Drive, Caringbah
Lot 1 DP 862912	1R Mansion Point Road, Grays Point
Lot 2 DP 862912	3R-5 Mansion Point Road, Grays Point
Lot 1 DP 1047120	1R Neil Street, Bundeena
Lot 2 DP 1047120	1R Neil Street, Bundeena
Lot 10 DP1047869	37 Brighton Street, Bundeena

Lot 11 DP 717528	1B St George Crescent, Sandy Point
Lot 1 DP 600203	46 Dover Place, Engadine
Lot 51 DP 713983	53B Casaurina Road, Alfords Point
Lot 66 DP 220629	1E Richmond Avenue, Sylvania Waters
Lot 1 DP 588294	63 Casaurina Road, Alfords Point

The following properties should be rezoned SP2 Infrastructure (Sewerage System):

Lot 1 DP 502629	2R Woronora Road, Engadine
Lot 7324 DP 1160255	37 Forum Drive, Heathcote
Lot 1 DP 574836	22 Thomas Mitchell Drive, Barden Ridge
lot 10 DP 1088312	62 Rutherford Avenue, Burraneer

Zoning these properties SP2 will require consequential amendments to the FSR, Maximum Building Height, Landscaped Area and Minimum Lot Size map series to remove any development standards associated with the above lots.

6. Zoning of 574 Kingsway, Miranda

A zoning anomaly has been identified relating to the inconsistent application of zones across a series of sites in single ownership. Four sites in Miranda are located at the corner of the Kingsway and Kiora Road and are all owned by Telstra. Three of the sites are zoned SP2 Infrastructure for the purposes of Telecommunications while one site has adopted the adjoining zone of B3 Commercial Core. While the zone does not reflect the historic use of this site for telecommunication purposes, the zoning boundaries have been this way since SSLEP2000.

It is proposed that the LEP zoning maps be amended to correct this anomaly, zoning the site (Lot 4 DP 10454) to SP2 Infrastructure – Telecommunications. This does not require any changes to the development standards mapping.



Figure 6 Zoning anomaly at 574 Kingsway, Miranda

7. Heritage Amendments

A number of minor changes to the Schedule 5: Heritage Schedule and the Heritage Map are required. These are mainly administrative in nature.

- a. 'Beckton' house and 'Beckton Recreational Group' (Item nos 2603 and 2604).
These heritage items are located at 20-24 Beckton Place, Lilli Pilli, and described in the heritage schedule are located on Lot 45 DP1168097. A new subdivision plan has been registered for Lot 45 DP 1168097 and Lot 11 DP 238637, adjusting the lot boundary between the two adjacent lots. As a consequence, the lot description for the above items should be amended to refer to Lot 48 DP 1193005. The mapping of the heritage items should also be corrected to align with the new lot boundary for Lot 48 DP 1193005.
- b. 119-121 Fowler Road, Illawong (Item no 2016)
The heritage schedule lists 119-121 Fowler Road (Lot 2 DP 666157) as a heritage property. Lot 2 has been subdivided into 2 lots, one a foreshore lot and the other with frontage to the street. The heritage items are located wholly on the foreshore lot. It is therefore appropriate that only the foreshore lot, known as 119 Fowler Road, Illawong (Lot 202 DP 1189575), is identified in the heritage schedule and Heritage Map.
- c. 'Cooee Tree, Sutherland (Item no 3628)
The Heritage Sub Committee recommended and in March 2015 (EHR093-15) Council endorsed the recommendation that the tree identified as the "Cooee Tree" in item 3628 of Schedule 5 of the Draft LEP, *'be amended to be known as the 'Waratah Tree' on the basis that anecdotally the tree was planted during the Waratah March that passed through Sutherland during the First World War'*. The heritage schedule should be amended to reflect this resolution.
- d. Cronulla Park, South Cronulla Beach, Cronulla Sports Complex, The Esplanade (Cronulla) and Cronulla Surf Club (Item nos 1023, 1052, 1053 and 1055)
These heritage items are clustered in a precinct around and including South Cronulla Beach. New registered Deposited Plans in this locality prompted a review of the Property Descriptions for each of the identified items. While identifying amendments that need to be

made to ensure that the property descriptions are up-to-date, this review has also identified seven lots which have been erroneously omitted from the heritage listing. These are identified by a star on the map extract below.



Figure 7 Lots which have been erroneously omitted from the heritage listing identified by green stars.

The lots are part of the Promenade, a widened path along the beach which connected “The Cecil” ballroom on the northern side of the park and the Esplanade to the south. The Promenade was part of the historical development of Cronulla Park and Beach and part of its original design. Therefore it is appropriated to link the Promenade with the Cronulla Park and Beach listing (Item 1023). In addition to including the omitted lots to this item, recent archaeological research found remains of the women dressing room on the southern end of the Promenade which strengthens its relationship with the beach. The southern end of the Promenade is currently included in the listing for the Esplanade (Item 1053). It is more appropriate to include this in the listing for Item 1023. However, the landing of a set of stairs which is the point of access from the beach to the upper walking path along the foreshore of the Cronulla Peninsula should remain as part of The Esplanade (Item 1053) as this contributes to the significance of item 1053.

The corrected listings for all the above items are provided below. The proposed changes are indicated in red. These updates and amendments should be made to Schedule 5 Heritage Schedule and corresponding amendments should be made to the Heritage Map Series.

Suburb	Item name	Address	Property description	Significance	Identifier
Cronulla	South Cronulla	20R-38R Gerrale	Lots 2222, 2223	Local	1023

	Beach and Cronulla Park	Street	and Part of Lot 2224 DP 1182456, Lot 1 DP 963734, Lot 1 DP 172078, Lot 1 DP 958158, Lot 12 DP 12149, Part of Lot D DP 173271.		
Cronulla	Cronulla Sports Complex	The Esplanade	Lots B and C DP 173271	Local	1052
Cronulla	The Esplanade - Walking path of eastern foreshore, extending from Cronulla Park and Beach to Bass and Flinders Point	The Esplanade	Part of Lot 2224 DP 1182456	Local	1053
Cronulla	Cronulla Surf Club	The Esplanade, to the east of Cronulla Park	Lot 2221 DP 71182456 and Lot A DP 173271	Local	1055

e. Heritage Maps

A comparison of the items listed in the Heritage Schedule and those identified on the Heritage Map has identified 5 items which are mapped, but not included in the Schedule. These items are:

Georges River National Park (Item 0101)
 Heathcote National Park (Items 1707 and A1712)
 Royal National Park (Items 3409 and A3437)
 6 Excelsior Road, Cronulla - Garden and trees (Item 1064)
 Waterfall Railway turntable (Item A4003)

The three entries relating to the National Parks were items were included as heritage items in DSSLEP2015 when it was submitted to the Minister to be made but omitted from the Heritage Schedule when the LEP was made, as the National Parks are protected under other legislation. The inclusion of the Waterfall Railway turntable in the mapping is an error. For consistency between the schedule and the map, the Heritage Map should be amended to remove these items.

6 Excelsior Road, Cronulla was included in the Heritage Schedule when the draft plan was referred to the Minister to be made, but was erroneously omitted from the Schedule. Two options are available to Council: reinstate the item on the Heritage Schedule to match the mapping or remove the item from the mapping. The item has been reviewed in the Sutherland Shire Community Based Heritage Study Review and it has been concluded that the item does not meet the threshold for inclusion in the heritage listing. It is, therefore, recommended that the item be removed from the heritage mapping.

A minor labelling anomaly has also been noted. Item 2010 'Cranbrook' – house at 45-53 Fowler Road, Illawong is mislabelled on the Heritage Map with the identifier I2010. This should be corrected to 2010.

f. 19 Shipwright Place, Oyster Bay

19 Shipwright Place contains a heritage listed Waterfront Cottage. The property previously formed a large lot which has been subdivided. The deposited plan has now been registered and the heritage item no longer matches the cadastre. It is proposed to amend the Heritage Map to show the whole of 19 Shipwright Place, Oyster Bay as a Heritage Item.

g. *Listing of Fisheries Research Institute, Cronulla*

The Fisheries Research Institute, Cronulla is a State Heritage Item. The State Listing applies to three lots: Lots 257, 1129 and 1187 DP 752064.

The item is listing in two places in Schedule 5 of SSLEP2015. There are errors in both entries – Parts 1 and 2 only identify 2 lots as forming part of the listing, while Part 2 also identifies the item has having local heritage significance. These errors should be corrected.

8. Updates to the Land Reservation Acquisition Map

SSLEP2015 identifies land to be acquired for public purposes on the Land Reservation Acquisition Map. The map identifies vacant land at the rear of 172 Karimbla Road, Miranda 'Local open space (RE1)', so marking the land for acquisition by Council as part of the Ewey Creek Corridor. This land has been subdivided from the remainder of the lot and registered as a separate lot being Lot1 DP 1205214. The lot was acquired by Council on 16 March 2015. As a consequence, the Land Reservation Acquisition Map should be amended to remove the land from the map.

The map identifies a lot of land in Kirrawee (Lot 102 DP1159806) as 'Railway Corridor (SP2)', so marking the land for acquisition by Railcorp. By notice in the NSW Government Gazette No. 147, dated 13 October 2014, the land was compulsorily acquired by Transport for NSW. As a consequence, the Land Reservation Acquisition Map should be amended to remove the land from the map.

9. Mapping Anomalies

Mapping anomalies have been identified by the Environmental Planning Unit in two locations. Maximum floor space ratio (FSR) and landscaped area requirements for 21 lots in Engadine and 5 lots in Alford's Point were omitted from the relevant FSR and Landscaped Area maps. This omission is a drafting mistake made when preparing the relevant maps.

List of lots influenced by these mapping anomalies are shown in Table 1 and the two areas are identified in Figure 8 and Figure 9.



Figure 8 The 21 lots in Engadine influenced by the mapping anomalies



Figure 9 The 5 lots in Alford's Point influenced by the mapping anomalies

It is recommended that the missing development standards should be applied to these lots to be consistent with similar lots in this area and of the zone. Considering that all the subject lots are zoned E4 and are located in area where the prevailing FSR requirement is 0.55:1 and the landscaped area required is 40% under SSLEP2015, it is recommended these development standards be applied to all influenced lots as listed in Table 1.

Street Address	Lot Description	Recommended FSR and Landscaped Area
9 Nimoola Road, Engadine	Lot 1 Sec 77 DP 245144	0.55:1
11 Nimoola Road, Engadine	Lot 2 Sec 77 DP 245144	0.55:1

13 Nimoola Road, Engadine	Lot 3 Sec 77 DP 245144	0.55:1
15 Nimoola Road, Engadine	Lot 4 Sec 77 DP 244335	0.55:1
17 Nimoola Road, Engadine	Lot 5 Sec 77 DP 244335	0.55:1
19 Nimoola Road, Engadine	Lot 6 Sec 77 DP 244335	0.55:1
21 Nimoola Road, Engadine	Lot 7 Sec 77 DP 244335	0.55:1
55 Warilda Avenue, Engadine	Lot 21 Sec 77 DP 245144	0.55:1
57 Warilda Avenue, Engadine	Lot 20 Sec 77 DP 245144	0.55:1
59 Warilda Avenue, Engadine	Lot 19 Sec 77 DP 245144	0.55:1
61 Warilda Avenue, Engadine	Lot 18 Sec 77 DP 244333	0.55:1
63 Warilda Avenue, Engadine	Lot 17 Sec 77 DP 244333	0.55:1
65 Warilda Avenue, Engadine	Lot 16 Sec 77 DP 244333	0.55:1
67 Warilda Avenue, Engadine	Lot 15 Sec 77 DP 244333	0.55:1
69 Warilda Avenue, Engadine	Lot 14 Sec 77 DP 244333	0.55:1
71 Warilda Avenue, Engadine	Lot 13 Sec 77 DP 244333	0.55:1
73 Warilda Avenue, Engadine	Lot 12 Sec 77 DP 244333	0.55:1
75 Warilda Avenue, Engadine	Lot 11 Sec 77 DP 244335	0.55:1
77 Warilda Avenue, Engadine	Lot 10 Sec 77 DP 244335	0.55:1
79 Warilda Avenue, Engadine	Lot 9 Sec 77 DP 244335	0.55:1
81 Warilda Avenue, Engadine	Lot 8 Sec 77 DP 244335	0.55:1
52 Coachwood Crescent, Alfords Point	Lot 1 DP 801080	0.55:1/ 40%
54 Coachwood Crescent, Alfords Point	Lot 2 DP 801080	0.55:1/ 40%
56 Coachwood Crescent, Alfords Point	Lot 3 DP 801080	0.55:1/ 40%
58 Coachwood Crescent, Alfords Point	Lot 4 DP 801080	0.55:1/ 40%
60 Coachwood Crescent, Alfords Point	Lot 5 DP 801080	0.55:1/ 40%

Table 1 – Influenced Lots and Recommended FSR and Landscaped Area

Although the development standards were not exhibited in DSSLEP2015, the development standards are more generous than those applied to the lots under SSLEP2006, being an FSR of 0.45:1 and landscaped area of 45%. The proposed development standards are reasonable as they will bring properties into line with the adjoining lots.

10. Corrections to Zoning along the Foreshore

In October 2011, Council adopted a set of zoning principles for land along the land/water interface (SDC017-12 ). These principles provide guidance on how such instances are managed. In summary, for most land/water interface properties, where the MHWL is the seaward property boundary on a current plan of survey, a land-based zone will be applied to the

whole property. Applying this principle where the MHWL has been redefined will ensure that the same land-based zone is applied to the whole property. This principle does not result in a land-based zone being applied to reclaimed land on the foreshores.

Since the finalisation of SSLEP2015, new Deposited Plans have been registered. While in most cases, there is no consequence from the registration of new plans, there are instances where the registration of new plans results in inconsistencies and anomalies in the zoning of lots. This is particularly true where the new plan includes the redefinition of the MHWL, resulting in the 'split zoning' of the lots where part has a land-based zone and the other part a water-based zone. Validation of the mapping has also identified an error at Juvenis Avenue, Oyster Bay, which should be corrected. It is therefore recommended that the zoning map be amended for the following properties as detailed below:

42A Wonga Road, Yowie Bay (Lot 2 DP 1190478) - rezone the whole property to E3 Environmental Management

16 Bayview Road, Burraneer (Lot 6 DP 16899) – rezone the whole property to E4 Environmental Living and W2 Recreational Waterways

6 Excelsior Road, Cronulla (Lot 1 DP 1208273) - rezone the whole property to R2 Low Density Residential.

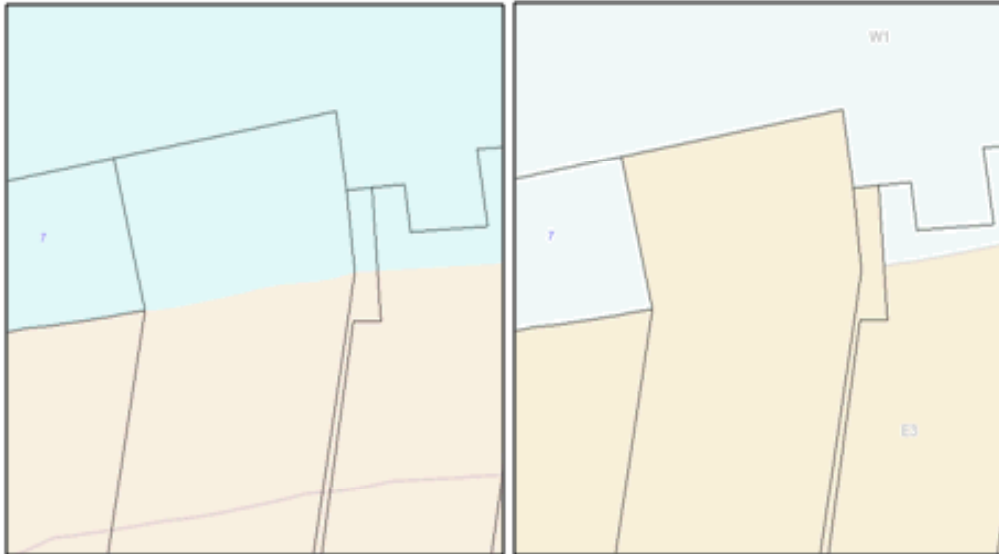
289 Woollooware Road, Burraneer (Lot 1 DP 1190800) – rezone the whole property to E4 Environmental Living.

6 Fowler Road, Illawong (Lot 30 DP 1190201) – rezone the whole property to E3 Environmental Management. The Additional Permitted Uses map should also be amended to include the entire property in Area B.

9 & 11 Hold Road, Taren Point (Lot 4 DP 879606 & Lot 1 DP 1211416) - rezone the whole of both properties to E4 Environmental Living.

42 Rutherford Avenue, Burraneer (Lot 1 DP 1211640) - rezone the whole property to E3 Environmental Management.

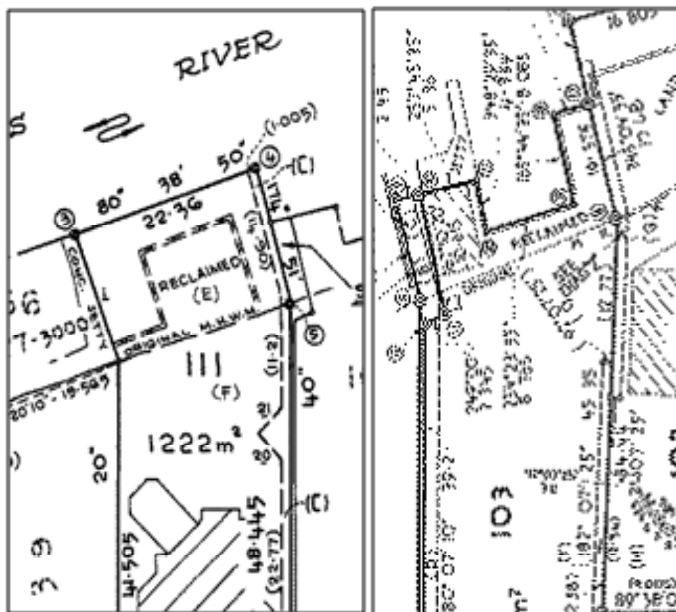
5 Juvenis Ave (Lot 111 DP 1006608) and 1 Juvenis Ave (Lot 104 DP 623011), Oyster Bay - SSLEP2006 zoned most of these lots Zone 1 – Environmental Housing (Environmentally Sensitive Land), with the reclamation portion along the foreshore zoned Zone 16 – Environmental Protection (Waterways). SSLEP2015 zones these lots as E3 Environmental Management in their entirety.



SSLEP2006

SSLEP2015

However, the land which was previously zoned Waterways is reclaimed land. This is clearly marked on the relevant Deposited Plans and identifiable on the aerial photography. The zoning of the other properties in this locality does not recognise any reclamations along the foreshore. Council's policy for zoning on the foreshore clearly states that land below the MHW (the location of reclamations) is to have a water-based zone.



DP 1006608

DP 623011



Figure 10 Aerial view of properties at Juvenis Ave, Oyster Bay

Clearly, zoning these two properties with a land-based zone in their entirety is an error that was introduced in the preparation of SSLEP2015. It is recommended that, in accordance with the adopted policy, the zoning of the lots be corrected to part E3 Environmental Management and part W1 Recreational Waterways, with MHWL forming the boundary between the zones.

36 Wonga Road, Yowie Bay (Lot 76 DP 11491)

As part of Council's process of improving the GIS data, the accuracy of the mapped MHWL for this property has been improved. This has resulted in a discrepancy in the zoning of the property, with the property now having two zones – E3 Environmental Management and W1 Natural Waterways. It was intended that the lot have only one zone – E3 Environmental Management. It is recommended that this be corrected, with the property being zoned E3 Environmental Management.

Consequential Amendments

The zoning boundary is the adopted boundary for the development standards and other mapping within the LEP. Consequently, amendments to the following Map Series are also required to ensure consistency in the mapping and the application of the relevant controls in relation to the above properties: Height of Buildings, Floor Space Ratio, Landscape Area, Minimum Lot Size, Flood Planning, Biodiversity, Groundwater Vulnerability, Riparian Lands and Watercourses, Natural Landforms and Additional Permitted Uses.

11. Additions to the Royal National Park

On 5 August 2015, an area of 8.502 hectares, comprising 4 lots being Lots 15 to 18 inclusive Section K DP 1782 were reserved as part of **Royal National Park**, under the provisions of section 30A (1) of the *National Parks and Wildlife Act 1974* (NSW Government Gazette No 70 of 14 August 2015).

These lots should be zoned E1 National Parks and Nature Reserves, as this is the zone applicable to land reserved under the National Parks and Wildlife Act 1974.

12. Inclusion of Inclinator as a Permissible Use

During the preparation of SSLEP2015, Council adopted a standard model clause for the foreshore building line which seeks to limit the development in the foreshore area. Council

selected a number of uses and works that may be appropriate below the foreshore building line including boatsheds, water recreation structures and waterway access stairs. Council referred the final LEP with inclinator also listed as a permitted development within the foreshore area; this use was then removed by the State Government through the finalisation process. Council staff identified this omission; however the final version of the LEP was made without inclinator being included as a permitted use within the foreshore area.

Inclinator are a common form of development for waterfront properties that often have steep terrain with rocky outcrops which prevent ease of access to both dwellings and the waterway. It is proposed that Clause 6.9 Limited development on foreshore area be amended to include inclinator in subclause 2(c) explicitly permitting the development within the foreshore area.

13. Corrections to Drafting errors

A drafting error has been identified which incorrectly labels an additional permitted use as being in Bundeena, rather than Burraneer. The additional permitted use relates to a sailing club being permitted at 34 Shell Road, Burraneer. It is recommended this be corrected.

A number of privately owned properties along the Woronora River have been identified through the Additional Permitted Uses to allow for the rebuilding, enlarging and altering of existing dwellings. Clause 6.11 also pertains to these properties however three properties have been erroneously left off this Clause. It is proposed to add 68 Tirto Street, Barden Ridge (Part Lot 218 DP 18174) and 155-157 Woronora River Frontages, Bangor (Lot 70 and 71 DP 8754) to the clause to ensure it marries up with the properties identified on the Additional Permitted Uses map.

14. Rezoning of 2 Mitchell Avenue, Jannali



Figure 11: 2 Mitchell Avenue zoning and aerial maps



2 Mitchell Avenue Street view

This lot (Lot 19 Sec A DP 2092) which is zoned R2 Low Density Residential under SSLEP2015, is occupied by an existing car repair station which also occupies the adjacent lot which is under the same ownership (also known as 2 Mitchell Avenue: Lot 1 Sec A DP 2092). However, Lot 1 Sec A DP 2092 is zoned Zone B2 Local Centre (height 16m and FSR 2:1). For Lot 19 Sec A DP 2092, the R2 zone was transferred from the equivalent zone of Zone 4 Local Housing in SSLEP2006.

During the third exhibition of the LEP a submission requested that this lot be rezoned to B2 Local Centre. The request was on the basis that the zoning reflects the current use of the site as a car repair business, which has been operating in this location for 30 years. The rezoning of the site was not recommended at that time, with a recommendation that it be reconsidered with this review process.

The car repair station located on the residentially zoned lot can continue to operate despite the zone. However, the ability to change the use to another non-conforming use in the residential zone is prohibited. Hence the scale and intensity of the use is also limited.

Zone B2 Local Centre aims to provide a range of retail, business, entertainment and community uses that serve the needs of people who live or work in the local area. The zone permits a number of uses including: *Boarding houses; Building identification signs; Business identification signs; Car parks; Child care centres; Commercial premises; Community facilities; Entertainment facilities; Environmental protection works, Flood mitigation works; Function centres; Home businesses; Hostels; Information and education facilities; Light industries; Medical centres; Mortuaries; Multi dwelling housing; Passenger transport facilities; Places of public worship; Public administration building; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Residential flat buildings; Respite day care centres; Restricted premises, Roads; Seniors housing; Service stations; Shop top housing; Small bar; Tourist and visitor accommodation; Veterinary hospitals.*

Development in the B2 Zone as noted above can include multi dwelling development (flats, villas and townhouses) and commercial uses. There is no landscape requirement in Zone B2. While the current use of the land is low scale and may have an acceptable level of impact on adjacent residential lots, rezoning to B2 would allow redevelopment to a greater scale with different uses, especially if the subject land was amalgamated with adjacent lots.

Such redevelopment may have much greater impacts on the adjacent residentially zoned land.

However, it is relevant in this scenario that there is a midblock zone boundary in this location already. If there was a redevelopment of an amalgamated site on Jannali Avenue, the impacts on the adjacent low density residential uses would need to be considered in the design and the application would be subject to a merit assessment. Adding the subject lot (with a long established use) to the area zoned B2 is unlikely to accelerate redevelopment of the area zoned B2. Lots at 3 Mary Street and 4 Mitchell Street are affected by the proposed rezoning in that they would consequently have a boundary with Zone B2. The residential amenity of these low density lots can be protected by the assessment process, but this is already the case with the current zoning because of the midblock zone boundary - they are already in close proximity to the area zoned B2 Local Centre.

Under SSLEP2015, height and density can vary across a zone. If this land is rezoned, the FSR can be the same as allowed for the Jannali B2 zone (being 2:1), because this could encourage the redevelopment of an amalgamated site in the future. If the land was redeveloped with the commercial properties fronting Jannali Avenue, it is anticipated that the site would suit an L-shaped building fronting both Jannali Avenue and Mitchell Avenue. However, it would be appropriate for any development set down in height to the west so that it achieved an acceptable transition in scale to the low density single dwellings that characterise the rest of Mitchell Avenue. There it is considered that a lower height is appropriate on this edge of the centre which has a midblock boundary with a low density zone. The height recommended is the same as the R2 zone, being 8.5m, which is the height on the land currently. Essentially this means that the FSR generated from the rezoning will have to be transferred towards the Jannali frontage should the site be redeveloped as part of a comprehensive redevelopment. The B2 zone will allow the current and future business use of the existing buildings to operate with greater certainty and flexibility.

It is recommended that, for the lot at 2 Mitchell Avenue, Jannali (Lot 19 Sec A DP 2092), the SSLEP2015 Zoning Map to be changed from R2 Low Density Residential to B2 Local Centre, with the FSR map changed from FSR 0.55:1 to FSR 2:1, with there being no change to the Height Map.

15. Matters requiring the reclassification and rezoning of land

At its meeting on 25 March 2014, Council resolved to prepare a 'housekeeping' planning proposal to contain relatively minor rezoning and reclassification matters that had not progressed due to the delay in finalisation of draft SSLEP2013 (DAP099-14 and CCL034-14). The changes were proposed to constitute Amendment 1 of Sutherland Shire's new Local Environmental Plan (SSLEP2015) once made.

On 2 May 2014, the planning proposal was submitted to Planning & Environment for a Gateway determination under section 56 of the *Environmental Planning and Assessment Act 1979*. Shortly thereafter, an omission in the minutes of DAP099 -14 was discovered which resulted in the proposed reclassification of land at 2R Alexander Avenue, Taren Point being omitted from the amendment. Following consultation with the Department, and in accordance with Council resolution DAP139 -14, on 1 July 2014 Council submitted an amended planning proposal to the Department which contained nine matters. However, opportunities subsequently arose to address two of these matters in LEP3.

On 11 December 2014, Council received correspondence from NSW Planning & Environment requesting that Council provide it with a notice to withdraw the planning proposal because the final version of draft SSLEP2015 incorporated some of the proposed amendments identified in

the planning proposal. At its meeting on 16 February 2015, Council resolved via DAP079 -15:

1. *That the planning proposal be withdrawn; and*
2. *That matters included in the housekeeping amendment not supported at Gateway be addressed as part of a more extensive housekeeping LEP to commence following the gazettal of the new LEP and the finalisation of the new DCP.*

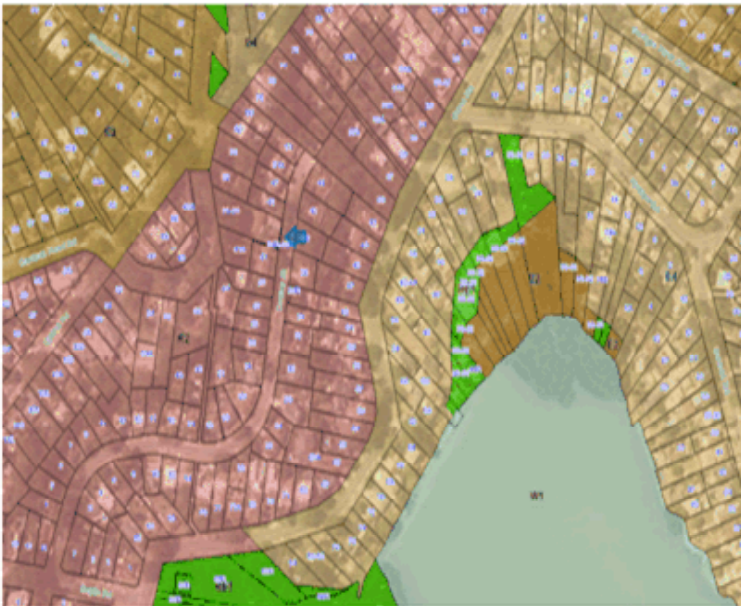
Four of these matters are unencumbered by legislative or other processes and may now progress.

Since the finalisation of SSLEP2015, two outstanding resolutions of Council which relate to the potential reclassification of land have been identified. These are also included in this report with the intention of including these matters into Amendment 4 should the proposed reclassification be supported by Council.

Matters included in the withdrawn planning proposal

- *34R-36R Caravan Head Road, Oyster Bay (Lot 219 DP 259657)*

The reclassification of a Council -owned development control strip at 34R-36R Caravan Head Road, Oyster Bay from 'Community' land to 'Operational' land to allow its sale to the adjoining owners of 34-36 Caravan Head Road, Oyster Bay. The development control strips were imposed by Council when land subdivision original occurred to stop particular lots accessing new roads where the lot had not financially contributed to the construction of the road. No interests are to change during the reclassification. This is a very minor matter without any planning consequences. As this matter has previously been referred to the Department, the planning analysis is not repeated.



Location Map: Subject land indicated by arrow



Site identification map



Aerial View subject land in red

Part of 2R Alexander Road, Taren Point (Part Lot 1 DP 234622)

Council is the registered proprietor of Lot 1 in DP 23622 at 2R Alexander Avenue, Taren Point, which forms part of the Taren Point Shorebird Reserve. It is currently zoned RE1 Public Recreation. The proposed rezoning of the subject land as E4 Environmental Living and the reclassification of 75.5m² of this land from 'Community' to 'Operational' land is an initiative put forward by the owner of 98 Woodlands Road, Taren Point, which adjoins the subject site to the west.

Through the rezoning and reclassification of council land, the adjacent property owner seeks to enable the purchase of the subject land to "enable efficient and sensitive use of their land." As presently configured, the property at 98 Woodlands Road does not meet the size requirements to allow residential subdivision to create an internal lot. The landowner seeks to gain rear access to his property via 1 Smith Street and part of 2R Alexander Avenue, thus creating the potential for subdivision of the existing lot into two properties, each with independent street access. Under this scenario, two lots which meet the minimum lot size of 700m² each can be achieved. The planning merits for and against this rezoning and reclassification were previously reported to Council and Council resolved to pursue the rezoning and reclassification. As this matter has previously been referred to the Department, the planning analysis is not repeated.

Since this matter last came before Council in DAP139 -14, a Development Application for the Torrens Title Subdivision of One Lot into Two Lots and Driveway Extension at 98 Woodlands Road, Taren Point (DA14/1169) was received by Council. On 17 July 2015, Council granted a Deferred Commencement. The Consent does not operate until two conditions are met, only of which is relevant to this matter. It is, as follows:

Submission of an amended plan of subdivision indicating a widening of the proposed right-of-carriageway over proposed lot 1 such that it is 3.65m in width or, alternatively, written evidence of the creation of a minimum 3.65m wide legal accessway from proposed lot 2 through an adjoining property to Smith Street, whether it be by way of a registered right-of-carriageway or a dedicated access corridor serving proposed lot 2.

While the Consent offers two options to the owner of 98 Woodlands Road to achieve the required access, it is considered that the proposed reclassification and rezoning of part of 2R Alexander Ave for the creation of a minimum 3.65m wide legal accessway via the adjoining property to 1 Smith Street provides better design options for the proposed lot 1.



Aerial view of 2R Alexander Avenue, Taren Point and 98 Woodlands Road, Taren Point



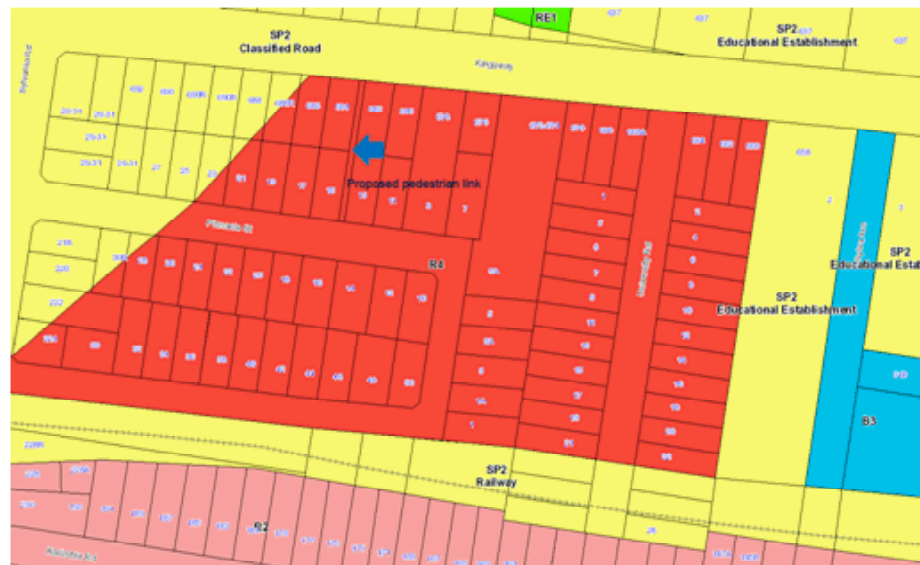
Site identification map (75.5m²) part of 2R Alexander Ave

Aerial view

13R Pinnacle Street, Miranda (Lot 31 DP 11987)

The reclassification of a drainage reserve from 'Community' to 'Operational' land at 13R Pinnacle Street, Miranda is to provide council with the flexibility to achieve a better public outcome with respect to pedestrian access between Pinnacle Street and Kingsway. This access is essential as the precinct will become a high density neighbourhood under zoning changes introduced in the new LEP. The access way will facilitate improve pedestrian access to transport, shops and schools. No interests are to change during the

reclassification. As this matter has previously been referred to the Department, the planning analysis is not repeated.



Location and Zoning Map SSLEP2015: Pinnacle Street Precinct in red.



Site identification map



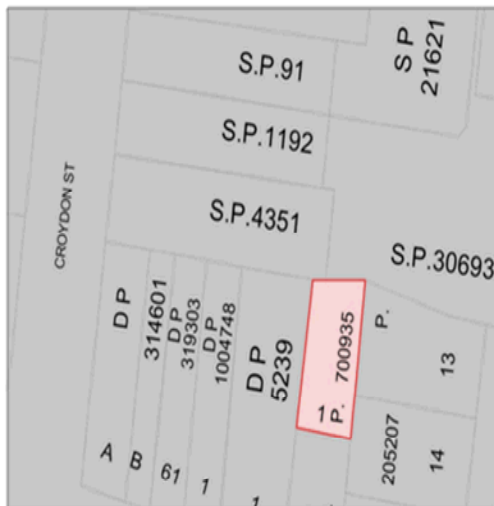
Aerial view

9 Kingsway, Cronulla (Lot 1 DP 700935)

The aim of the proposed reclassification of the 9 Kingsway, Cronulla from 'Community' land to 'Operational' is to tidy up an administrative oversight, thus provide council with wider permissibility on this property in central Cronulla. No interests are to change during the reclassification. As this matter has previously been referred to the Department, the planning analysis is not repeated.



Location and Zoning Map SSLEP2015: subject land outlined in black



Site identification map



Aerial view

Matters from Outstanding Resolutions of Council

1 and 2 Myuna Place, Port Hacking (Lots 9 and 10 DP 255123)

Council is the registered proprietor of Lot 10 DP 255123, 1 Myuna Place, Port Hacking and Lot 9 DP 255123, 2 Myuna Place, Port Hacking. 1 Myuna Place is a narrow parcel of land along the length of the western side of Myuna Place. 2 Myuna Place is a narrow parcel of land located on the eastern side of Myuna Place and extends along the western boundary of no. 102 Turriell Point Road. Both parcels are zoned E3 Environmental Management. 1 Myuna Place and 2 Myuna Place are public reserve parcels and comprise an area of approximately 220m² and 94m² respectively and are classified as 'community land'. The land is not signposted as a reserve and has little recreation value other than as a landscaping strip.



Location of 1 and 2 Myuna Place, Port Hacking

Background investigations into the creation of the reserve indicates that the land was dedicated as a public reserve as part of the overall subdivision and development of land that fronted Turriell Point Road, Port Hacking in the mid 1970's. The dedication of the land as a public reserve appears to have been created to prohibit double road frontages and access to allotments or properties along Little Turriell Bay Road to enable Council to control access onto the road now known as Myuna Place.

In 2013, Council received a written enquiry from the owner of 24 Turriell Bay Road, Port Hacking to acquire a small strip of the Council owned land at 1 Myuna Place. The owner had recently purchased this property and wished to facilitate access to the rear of their property through the construction of a driveway over the public reserve at 1 Myuna Place to allow rear property access from Myuna Place. To enable authorised access across the reserve, the land requires reclassification from 'Community Land' to 'Operational Land'.

The matter of the reclassification of the land to allow access to the property at 24 Turriell Bay Road was referred to Council's Land Management Committee in 2013 for consideration and was not supported as this offered no community benefit and is contrary to the apparent dedication of the reserve to prevent rear access to properties fronting Little Turriell Bay Road. The owner appealed this outcome and it was concluded that the matter should be put before the Council for resolution. The matter was considered by Council in October 2013 (BDS023-14) and it was resolved that the request for the reclassification be supported. The reclassification of the land would facilitate access to the applicants property over the reserve as requested.

A further report to Council on the potential reclassification of the land at 1 Myuna Place (BDS035-16) also suggested that the land at 2 Myuna Place be reclassified from 'Community

land' to 'Operational land' as: *'The parcel was likely created for the same purposes as 1 Myuna Place. It currently serves no useful purpose and would not likely be considered a public reserve. The physical on site appearance of the land would clearly suggest to the community that it is part of the road reserve and should not be land dedicated for public reserve purposes.'* Council resolved that 'That the Manager - Environmental Planning be requested to prepare a report to consider the reclassification of 1 & 2 Myuna Place, Port Hacking (Lot 10 DP 255123 and Lot 9 DP 255123) via an amendment to the Sutherland Shire Local Environment Plan 2015, from 'Community' Land to 'Operational' Land.'

The subject land at 1 and 2 Myuna Place and the adjoining properties are currently designated as Zone E3 – Environmental Management under the SSLEP2015. The E3 zone is primarily for single dwelling housing of a low density. The E3 zoning applying to the land sets the minimum lot size area for subdivision at 850m², or 1000m². The lot is approximately 973m² and the reclassification would not affect the lot size or developable area of the land adjoining the reserve. As a result, the reclassification of the land will not affect the subdivision potential, nor the development potential of the land at 24 Turriell Bay Road nor the any of the other sites adjoining the reserve.

From a planning perspective, the reclassification of 1 and 2 Myuna Place from 'community' to 'operational' is minor and of no strategic importance. It does not contravene the objectives or actions of relevant State or local strategic plans or policies. No endangered communities exist on or in the vicinity of the site, and there are no likely environmental effects from the reclassification and use of the subject land. Nor is it likely that its reclassification will result in any significant social or economic effects. Both 1 and 2 Myuna Place, being small and irregular shaped parcels, have no net community benefit in terms of being public open space.

It must be noted however that the dedication of the land at 1 and 2 Myuna Place as a public reserve appears to have been created to prohibit double road frontages and access to allotments or properties fronting Little Turriell Bay Road therefore enabling Council to control access onto Myuna Place. The reclassification of the land to allow access to the property at 24 Little Turriell Bay Road would contravene the initial intention of the creation of the public reserve and could set a precedent where land has been dedicated for public use to prohibit access to certain properties. Myuna Place is a small street with relatively low traffic movements and as a consequence, allowing access from this street does not appear to have any significant impacts on Myuna Place. While reclassifying the subject land does create a potential precedent, it must be noted that this reclassification is to allow access off a low order street. There may be other similar situations throughout the Shire where a reclassification to allow access from a low order road is suitable and while a precedent may be set in this case; any future proposed reclassification would be subject to a merit assessment.

Interests

Both numbers 1 and 2 Myuna Place currently have interests attached to the land which affect their use. In order to facilitate the use of the land at 1 and 2 Myuna Place for operational purposes there is a need to amend the interests on the land.

For the land at 1 Myuna Place (Lot 10 DP 255123) the following are to be discharged from the land:

1. Reservations and conditions, if any, contained in the Crown Grant above referred to.
2. A472364 Rights to Mine.
4. K200000P Caveat by the Registrar General forbidding the registration of instruments not authorized by the provisions of the Local Government Act 1919 relating to Public

Reserves.

For the land at 1 Myuna Place (Lot 10 DP 255123) the following interests are to remain on the land:

3. C851715 Easement for Drainage affecting part of the land above described designated (G) shown in the plan hereon.

For the land at 2 Myuna Place (Lot 9 DP 255123) the following are to be discharged from the land:

1. Reservations and conditions, if any, contained in the Crown Grant above referred to.
2. A472364 Rights to Mine.
3. K200000P Caveat by the Registrar General forbidding the registration of instruments not authorised by the provisions of the Local Government Act 1919 relating to Public Reserves.

16. Proposed Community Recycling Centre

The former Council sullage depot at 441 Princes Highway, Kareela (off Bates Drive) has been identified by the Engineering Operations Group as a potential location for a Community Recycling Centre (CRC). At its meeting on 3 August 2015 (WKS014-16) council resolved that the Environmental Planning Unit assess the merit of rezoning part of 441 Princes Highway to facilitate the establishment of the CRC, and to prepare the subsequent planning proposal for the rezoning.

Sutherland Shire has been identified by the NSW Environment Protection Authority (EPA) as a priority area to establish a Community Recycling Centre (CRC) as part of its target to create a state-wide network of services consisting of 86 centres. A CRC is a facility where residents drop off selected common household problem wastes, such as paints, gas bottles, fire extinguishers, motor and cooking oils, car and household batteries, florescent tubes and globes, and smoke detectors. Under the Standard Instrument definitions that would be considered a form of waste management facility.

Council's Engineering Operations Group has explored the suitability of various parcels of Council owned land for a CRC. The former sullage depot at 441 Princes Highway, Kareela (off Bates Drive) has been identified as a suitable potential location due to the site's existing layout and infrastructure, and its central location within the local government area. The site is identified below

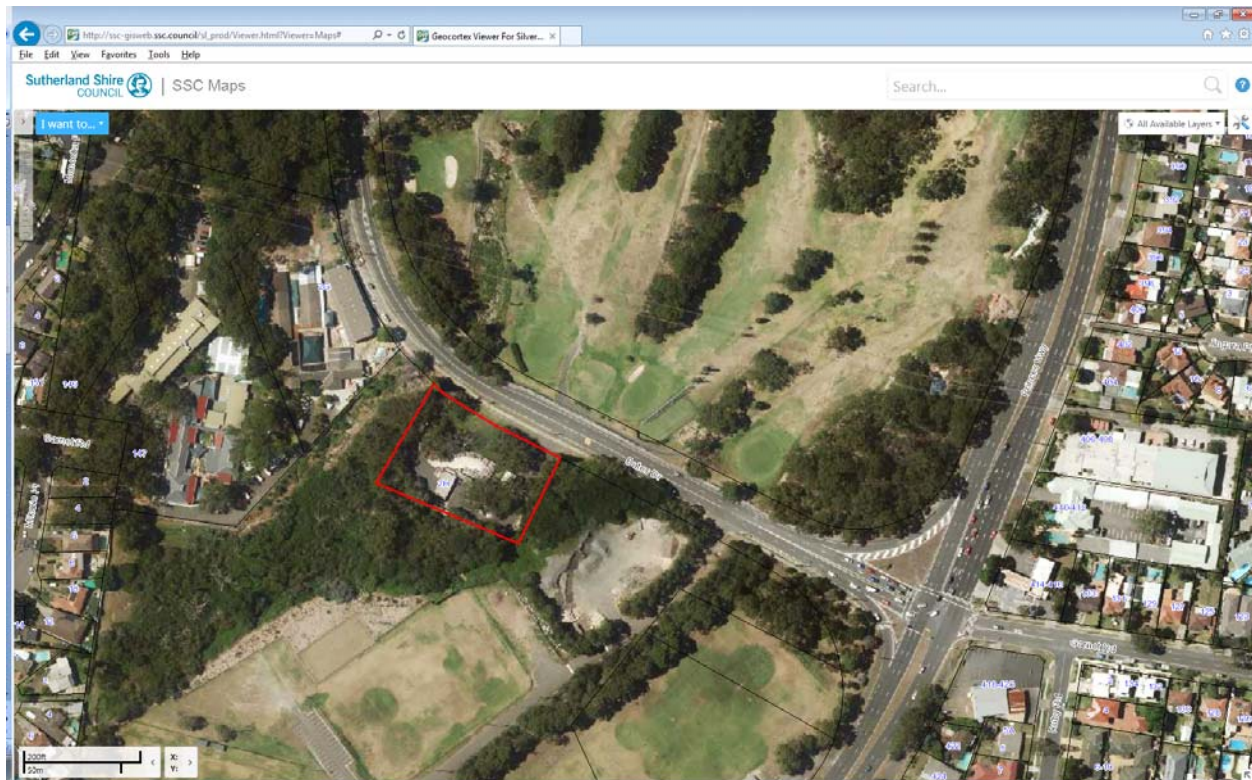


Figure1: Proposed site is adjacent to Bates Drive, Kareela and is outlined in red

The site, and the rest of 441 Princes Highway, is identified as Part Lot 7013 DP1059414. The site is Crown Land with the State of New South Wales being the registered proprietor. Council is responsible for the care, control and management of the site and the rest of 441 Princes Highway, which is known as the Bates Drive Oval.

The site and adjoining the Bates Drive Oval (to the southeast) is currently zoned RE1 Public Recreation. An area of bushland zoned E2 Environmental Conservation is located to the north and west of the subject site. This land was formerly the home of the flying fox colony that has now been relocated. Bates Drive Public School and Sylvanvale School are both adjoin the E2 land further to the north and Northwest. An extract from the zoning map is provided below:

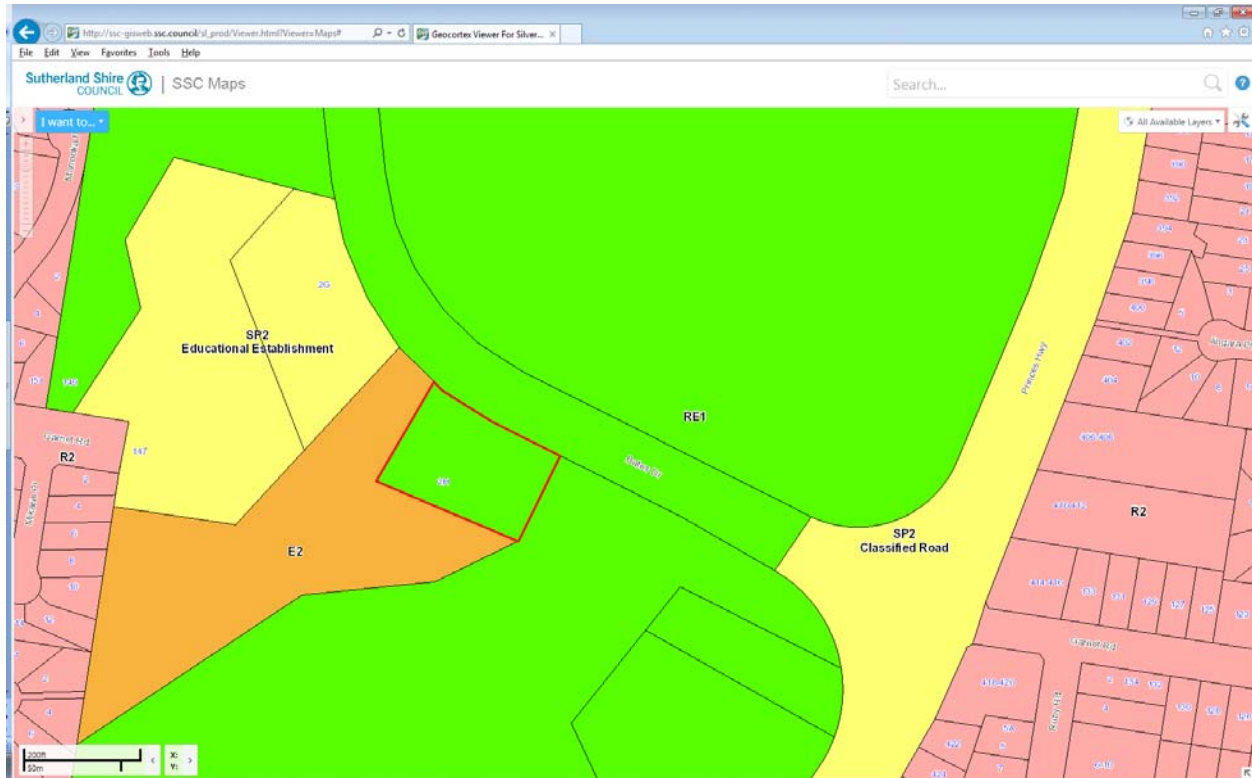


Figure 2: Extract of zoning map with the site being outlined in red.

The site is informally used as a depot at present. It is not used for any form of public recreation as would be expected given its RE1 zone.

The site has an area of approximately 5360m² and vehicular access is proposed from Bates Drive. The proposed development includes a large undercover material drop-off area, the upgrading of existing facilities, improvements to vehicle access and other works.

The current zoning of the land prohibits the proposed development. It was suggested in the original report, that the site should be rezoned from RE1 Public Recreation to IN2 Light Industry to facilitate the establishment of the Sutherland Shire Community Recycling Centre. The IN2 zone would make the proposed facility, which is categorised as a waste and resource management facility, permissible under the SSLEP2015.

Planning Merits of the Proposal

The rezoning of the site requires a spot rezoning to allow the use of the site for the proposed development. A CRC is aligned with council's strategies contained in the *Community Strategic Plan*, *Environment & Sustainability Strategy* and *Local Waste Management Plan*; as well as the *National Waste Policy* and the *NSW Waste Avoidance & Recourse Recovery Strategy 2014-2021*. The use would allow for the a higher standard of waste management in Sutherland Shire which is in the public interest.

The site is centrally located in the Shire and is currently underutilised. The land does not provide any opportunity for active or passive public recreation at present. The proposed development can take advantage of its central location and the existing facilities on the site to provide a much needed service to the residents of Sutherland Shire. The proposed CRC will

facilitation the collection of a selected range of wastes. The wastes collected are either sent off to recycling centres for treatment and resale, or be treated on-site for reuse. The CRC will provide greater opportunity for residents to dispose their household waste appropriately without being limited to the twice yearly event that is currently provided. The demand for the current collection days is so great that it can experience excessive traffic generation. Providing a full time service will help avoid the traffic problems generated by the current events.

Environmentally, more resources can be recycled, with less waste ending up in landfill, while illegal dumping will be discouraged, and the risk of land and water contamination associated with illegal dumping will be further reduced. Economically, the CRC will create additional jobs, reduce cost of landfill, and reduce cost of managing illegal dumping. Together with the fact that the proposal is aligned with the council's strategies and state interests, the planning proposal can expect reasonable support from the Department for the rezoning.

However, the site and the proposed development do raise a number of planning issues. The site is identified as class 5 acid sulfate soils land and environmentally sensitive land – terrestrial biodiversity. Clause 6.1 and 6.5 of SSLEP2015 applies. Although these requirements are considered to have minimal impact on the rezoning of the site, appropriate measures need to be adopted at the DA stage to satisfy the requirements set out in the relevant clauses of SSLEP2015. Also, even though the adjoining E2 and RE1 land provide open space to function as buffer to minimise the potential adverse impacts to the surrounding residential areas, the proposed development continues to be a risk of potential environmental impacts to the adjoining open space. Adequate measures should be incorporated as part of any development consent to address potential environmental impacts. The interface with the E2 land to the west is particularly sensitive. However, there is nothing to suggest that the proposed development to be facilitated by rezoning would be incompatible with the conservation value of this land.

The topography of the locality is such that the land sits approximately 14 metres below the level of the playing fields. This change in level and the existing vegetation within the reserve is such that the proposed use will not impact upon the recreational value of the playing fields. The partial rezoning of the reserve is the most appropriate option to facilitate the use of the site for a CRC. While a rezoning of the site to IN2 Light Industrial is a possible option, an IN2 Light Industrial zone would allow a wide range of uses. Considering that the site is located within an established residential area, close to two educational establishments, and adjoins land identified as an environmentally sensitive, some of the uses permissible under zone IN2 would not be appropriate nor be in the best interest of the public.

An alternative solution is to rezone the site to SP2 Infrastructure with the specified use of 'Waste and Resource Management Facility'. The SP2 zoning has a more restrictive range of permissible uses. Generally, only a specific use that meets the definition of a 'Waste and Resource Management Facility' is permissible, that is, a resource recovery facility; a waste disposal facility; a waste or resource transfer station; or, a combination of the three.

The smaller range of permissible uses permissible with the SP2 zone will give greater control over the long term use and development of the land, and the likely impact of future proposed development. Lake Macquarie Council and Port Stephens Council have also adopted the zone SP2 for their community recycling centre developed under the same NSW EPA initiative.

It is considered that rezoning the site to SP2 is considered appropriate in order to facilitate the development of a Community Recycling Centre in Sutherland Shire. As such it is recommended that the land be rezoned from its current zoning of RE1 Public Recreation to

SP2 Waste and Resource Management Facility.

17. Rezoning Carol Avenue Reserve, Jannali RE1 Public Recreation

At its meeting of 3 August 2015, Council's Infrastructure Projects and Works Committee considered a report (WKS015-16) about potential locations for a skate park in the Como/Jannali area.

In response to a Councillor request, the report considered three possible locations in the Como/Jannali area. The preliminary assessment of the areas is copied from that report below:

1. Carol Avenue Reserve, Jannali (cnr Carol Avenue and Sutherland Road)

"This parcel of land is considered part of Burnum Burnum Sanctuary in Bonnet Bay and is zoned 'E2 Environmental Conservation' under the SSLEP 2015. This zoning aims to protect, manage and restore areas of high ecological values and prohibits major recreational facilities on this land. This makes the site unsuitable for the development of a skate park."

2. Jannali Oval, Jannali Road (eastern parcel)

"A parcel of vacant land lies adjacent to the eastern side of Jannali Oval. This land is directly under high voltage transmission towers and serves as overflow parking for Jannali Oval on sports days. It is prudent to avoid the location of recreational facilities under high voltage transmission wires due to health and community concerns. For these reasons the location is not considered appropriate for a skate facility."

3. Scylla Bay Oval, Como - northern corner and eastern corner

"There are potentially two locations in Scylla Bay Oval that could accommodate a new skate facility- the northern corner (cnr of Cremona Road and Verona Range) and the eastern corner (adjacent to the boat ramp/rowing club car park)".

Both Scylla Bay Oval sites were considered to have merit as possible locations for a skate park.

Council resolutions to WKS015-16 required site inspections and further investigation of options, including the possibility of rezoning Carol Avenue Reserve Jannali to RE1 Public Recreation, thereby allowing the use of the land in that location for a skate park. This report is in response to the council resolution to "explore the merits of rezoning Carol Avenue Reserve Jannali RE1 Public Recreation as part of the next amendment to SSLEP2015".

Analysis of Planning Merits

The subject site at Carol Avenue Reserve, Jannali which was identified in the report (WKS015-16) as a possible skateboard park site is on a lot at 159R Sutherland Road Jannali which is owned by The State of NSW. The site, which is part of the Burnum Burnum Sanctuary public bushland reserve, is under the care, control and management of Sutherland Council.

The site is easily accessible with two street frontages, being on the corner of Sutherland Road and Carol Avenue. The site is used for passive recreation such as informal ball games. A number of schools are in the vicinity, including Jannali High School, and Jannali Public School. Immediately to the north of the subject site are netball courts which are part of the Jannali High

School and zoned SP2 Educational Establishment. Further north is a medium density residential development, then Jannali Public School. North of the school is a Scout Hall and Soldiers Road Oval/ Jannali Baseball Field, all zoned RE1 Public Recreation. Land to the south are zoned E4 Environmental Living. Part of Zone E2 adjacent to the baseball field (not part of Burnum Burnum Sanctuary) is recommended to be rezoned to Zone RE1 in this report. This rezoning reflects the established use of the land as a playing field.

The subject site is zoned E2 Environmental Conservation under SSLEP2015. Under SSLEP2006 the land was deferred from the plan, so retained its zone under SSLEP2000, which was 7(b) Environmental Protection. Zone 7(b) is an equivalent zone to Zone E2 Environmental Conservation.

The eastern half of the subject site beside Sutherland Road is flat, and the western half slopes away to the west, with an 8m fall to the site boundary. The sloping part of the site is vegetated with natural bushland. There is a transmission tower on the lot about 70m west of Sutherland Road. A review of aerial photos shows the amount of vegetation on the subject site has been similar since 1984.

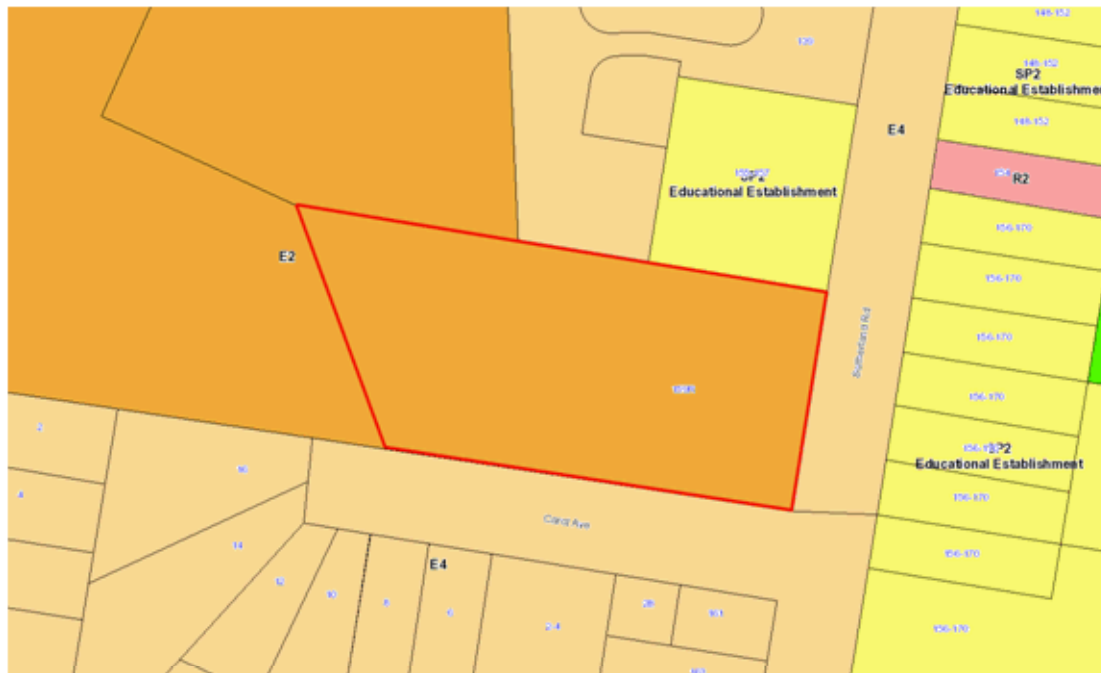


Figure 1: 159R Sutherland Road, Jannali outlined in red. Zoning Map SSLEP2015



Figure 2: 159R Sutherland Road, Jannali. Aerial photo with 1m contours



Figure 3: Context Map: Burnum Burnum Sanctuary, shown with yellow outline. Subject site shown in yellow at lower right corner of map

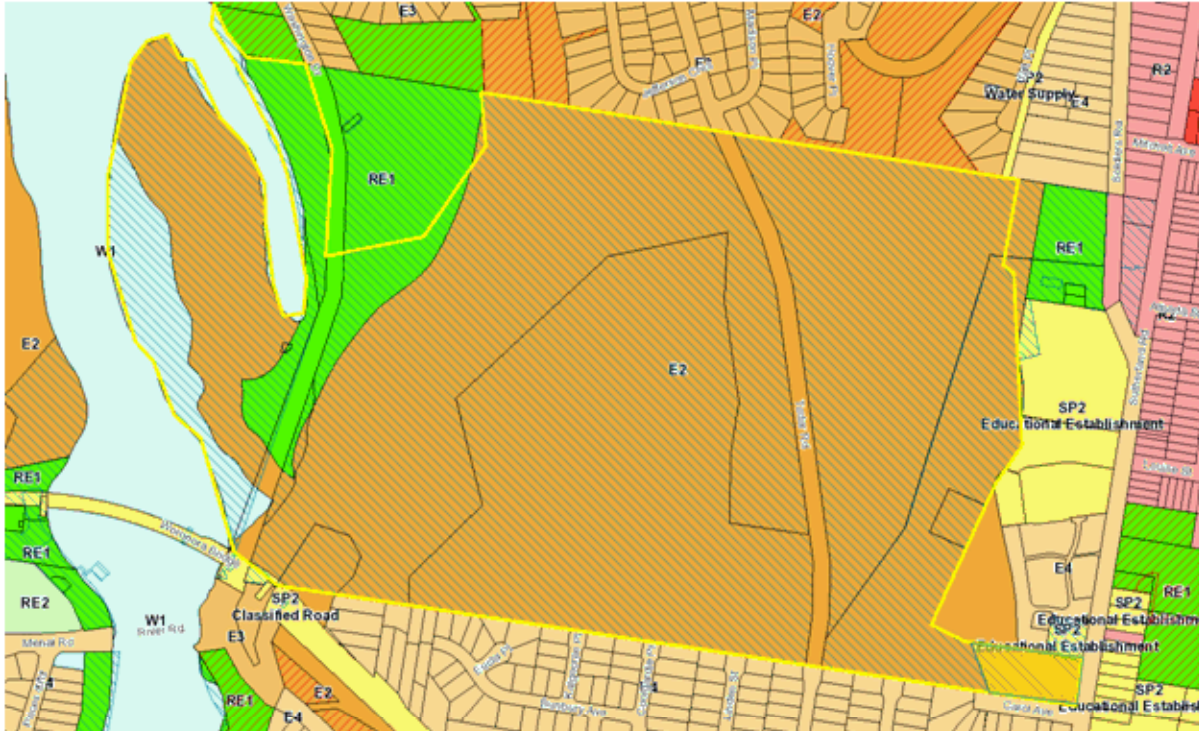


Figure 4: Context zoning map (SSLEP2015): Subject site at lower right hand corner of map

The subject site, seen at the lower right corner of this map is part of a larger lot (Part Lot 200 DP 1081859), and part of Burnum Burnum Sanctuary. Burnum Burnum Sanctuary is a bushland reserve with walking tracks which is bisected north to south by Tudar Road, and extends to the Woronora River to the west. Burnum Burnum Sanctuary reserve is owned by the State of NSW, was originally dedicated in 1886, and has been under Sutherland Shire Council's care control and management since 1907. Most of this reserve, which is located to the west of the subject site, is sloping, heavily vegetated with native bushland, and zoned E2. A part of the reserve, around Washington Drive and adjacent to Tom Evans Fields, is zoned RE1 Public Recreation.

The subject site is zoned E2 Environmental Conservation, a zone which has few permissible uses, all of which are related to conserving the natural environment or access. These uses are:

Environmental Facilities, Environmental protection works, Flood mitigation works, Information and education facilities, Roads.

All other development types are prohibited.

The main aim of E2 Environmental Conservation zone is to protect, manage and restore areas of high ecological, scientific, cultural or aesthetic values. Limiting uses on land zone E2 ensures it remains in its most natural state. Much of the land zoned E2 in this locality is steeply sloping so would be difficult to develop without destroying its natural qualities.

However, the subject site is at the edge of the reserve and is unusual as a large part of the lot is flat and has been cleared and planted with grass. A review of aerial photos shows the vegetation on the subject site has been similar since 1984. The grassed part of the site does not have a high ecological value in itself, except as a buffer to the bushland. The western half of the lot, being vegetated and the beginning of the slope that falls away to the gully, does have the

ecological value and the E2 Environmental Conservation zone is appropriate recognition of this character.

The zone appropriate for a skateboard park is Zone RE1 Public Recreation. An extract from SSLEP2015 Part 2 Land use table for Zone RE1 is shown below.

“Zone RE1 Public Recreation

1 Objectives of zone

- To enable land to be used for public open space or recreational purposes.
- To provide a range of recreational settings and activities and compatible land uses.
- To protect and enhance the natural environment for recreational purposes.

2 Permitted without consent

Environmental protection works

3 Permitted with consent

Community facilities; Environmental facilities; Food and drink premises; Information and education facilities; Kiosks; Passenger transport facilities; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Roads

4 Prohibited

Pubs; Any other development not specified in item 2 or 3”

A skateboard ramp would be permissible in Zone RE1 as a Recreation Facility (outdoor). Recreation facilities (outdoor) is defined in the LEP as:

“a building or place (other than a recreation area) used predominantly for outdoor recreation, whether or not operated for the purposes of gain, including a golf course, golf driving range, mini-golf centre, tennis court, paint-ball centre, lawn bowling green, outdoor swimming pool, equestrian centre, skate board ramp, go-kart track, rifle range, water-ski centre or any other building or place of a like character used for outdoor recreation (including any ancillary buildings), but does not include an entertainment facility or a recreation facility (major)”.

There are possible consequences to the development of uses permissible under RE1 because it would affect the number of people attracted to the space with potential amenity impacts associated with increased visitation such as noise disturbance and increased demand for on-street visitor parking. Public consultation would occur during the exhibition of an LEP amendment and in the development application process. Part of the lot at 159R Sutherland Road Jannali, (Part Lot 200 DP 1081859), as shown in the map below, could be appropriate for rezoning to zone RE1 Public Recreation. The area (approximately 2,300 sq m), as outlined in red in the map below, is flat and, although it is planted with some trees, does not constitute bushland. This element of the reserve can be readily separated from the bushland reserve without adverse consequences on its ecological value. Rezoning this site RE1 essentially repeats the zoning pattern that accommodates the Scout Hall and Soldiers Road Oval/ Jannali Baseball Field, which are zoned RE1 Public Recreation with the bushland slope being E2. Given the suburban context of this level grassed area, its lack of ecological value that warrant protection, it is considered that the western edge of the lot be rezoned RE1. It is suggested that the boundary of the area to be rezoned should be a continuation of the cadastral boundary to the school netball courts immediately to the north. As shown on the map below.



Figure 5: Part 159R Sutherland Road, Jannali which could be rezoned to RE1 Public Recreation

Conclusion

This report has addressed numerous planning issues, generally related to a single property. These are mainly issues which have previously been identified as requiring resolution, but which could not be addressed during the finalisation of Sutherland Shire Local Environmental Plan 2015 without further delaying the process of making the plan. Other issues which have been addressed are those which have been identified since the plan was made. To resolve all these issues, an amendment to Sutherland Shire Local Environmental Plan 2015 is required. These can be bundled together into a single planning proposal to be submitted for Gateway Approval. A number of other planning matters can also be grouped into this amendment. Officers will report additional matters to Council within the next two rounds of meeting and a consolidated Planning Proposal covering all matters will be referred to NSW Planning & Environment for Gateway Determination. The expectation is that the Planning Proposal will be exhibited for public comment in the first quarter of 2016.

REPORT RECOMMENDATION

1. That in relation to Jannali Baseball Field; that the Jannali Baseball Field and the adjacent land indicated in Figure 2 (Part of Lot 200 DP 1081859 and Part of Lot 1230 DP 821652) be zoned RE1 Public Recreation.
2. That in relation to 285, 289 and 291 Woollooware Road, Burraneer;
 - a. that the Foreshore Building Line be changed for 285, 289 and 291 Woollooware Rd, Burraneer to reflect the redefined Foreshore Building Line outlined within the report

- (blue line in Figure 3).
- b. that the whole lot 289 Woollooware Rd, Burraneer (Lot 1 DP 1190800) be zoned E4 Environmental Living.
 - c. that corresponding amendments to the following map series be made:
 - i. Terrestrial Biodiversity – to identify the whole of Lot 1 DP 1190800 as Environmentally Sensitive Land
 - ii. Flood Planning – to remove the land above the Mean High Water Mark on Lot 1 DP 1190800 from the map
 - iii. Floor Space Ratio – to apply applicable Floor Space Ratio to the whole of Lot 1 DP 1190800
 - iv. Height of Buildings – to identify the maximum building height applicable to the whole of Lot 1 DP 1190800
 - v. Landscape Area – to identify the landscape area requirement applicable to the whole of Lot 1 DP 1190800
 - vi. Minimum Lot Size – to identify the minimum lot size applicable to the whole of Lot 1 DP 1190800.
3. That in relation to 7 Preston Avenue, Engadine (Lot 5 DP 232490)
 - a. that the land at 7 Preston Avenue, Engadine (Lot 5 DP 232490) be rezoned from R4 High Density Residential to B3 Commercial Core with an increase in Floor Space Ratio from 1.2:1 to 2:1, building height from 16m to 20m and removal of landscaped area requirement.
 - b. that a specific clause be drafted and inserted in the DCP at the first amendment to require a 3m ground floor setback to the adjoining residential land to the south.
 4. That in relation to 66-74 Karimbla Road, Miranda:
 - a. that the subject property at 66-74 Karimbla Road, Miranda (Lot 6 DP 566645) that forms part of the southern section of Centenary Park be rezoned to RE1 Public Recreation.
 - b. that consequential changes be made to remove development standards from the relevant maps.
 5. That in relation to Zoning of Sydney Water Assets;
 - a. that the following properties be rezoned SP2 Infrastructure (Water Supply):
 Lot 10 DP 1047868, Lot 1 DP 567699, Lot 1 DP 586904, Lot 1 DP 558511, Lot 1 DP 584277, Lot 1 DP 569800, Lot 1 DP 605978, Lot 1017 DP 260670, Lot 1 DP 828667, Lot 1 DP 814764, Lot 114 DP 260718, Lot 34 DP 238109, Lot 876 DP 243686, Lot 1 DP 805941, Lot 1 DP 578648, Lot 1 DP 578926, Lot 1 DP 596086, Lot 1 DP 828665, Lot 1 DP 814765, Lot 3 DP 814765, Lot 520 DP 236743, Lot 820 DP 259014, Lot 1 DP 547706, Lot 2 DP 614091, Lot 1174 DP 262462, Lot 1 DP 1049533, Lot 1 DP 200123, Lot 1 DP 200124, Lot 1 DP 200269, Lot 1 DP 217569, Lot 1 DP 225559, Lot 1 DP 543755, Lot 1 DP 561361, Lot 1 DP 570656, Lot 1 DP 571182, Lot 1 DP 575521, Lot 1 DP 580112, Lot 1 DP 603064, Lot 1 DP 625476, Lot 1 DP 583747, Lot 2 DP 1088319, Lot 5 DP 842946 (excluding part previously forming Lot 1 DP 876077), Lot 1 DP 602360, Lot 1 DP 827997, Lot 1 DP 869129, Lot 10 DP 1047870, Lot 355 DP 748954, Lot 356 DP 748954, Lot 1 and 2 DP 1047125, Lot 250 DP 1047123, Lot 1 DP 551410, Lot 1 DP 590679, Lot 1 DP 712880, Lot 3 DP 862912, Lot 1 DP 106963, Lot 1 DP 442583, Lot 1 DP 630540, Lot 1 DP 631300, Lot 1 DP 579795, Lot 31 DP 1023169, Lot 43 DP 262446, Lot 1 DP 862912, Lot 2 DP 862912, Lot 1 and 2 DP 1047120, Lot 10 DP 1047869, Lot 11

DP 717528, Lot 1 DP 600203, Lot 51 DP 713983, Lot 66 DP 220629, Lot 1 DP 588294.

- b. that the following properties be rezoned SP2 Infrastructure (Sewerage System):
Lot 1 DP 502629, Lot 7324 DP 1160255, Lot 1 DP 574836, Lot 10 DP 1088312
 - c. that the following map series be amended to remove any development standards associated with the above lots: FSR, HOB, LSA and LSZ.
6. That in relation to 574 Kingsway, Miranda; that Lot 4 DP10454 be zoned SP2 Infrastructure – Telecommunications.
7. That in relation to Heritage Amendments;
- a. that Item numbers 2603 and 2604 ('Beckton' House and 'Beckton Recreational Group'):
 - i. Amend Schedule 5 Heritage Schedule, to refer to Lot 48 DP 1193005.
 - ii. Amend the Heritage Map Series so the mapped extent of the heritage item aligns with the new property boundary between Lots 47 and 48 DP 1193005. - b. that Item number 2016 (119-121 Fowler Road, Illawong):
 - i. Amend Schedule 5 Heritage Schedule, to only refer to 119 Fowler Road, Illawong (Lot 202 48 DP 1189575)
 - ii. Amend the Heritage Map Series to remove Lot 201 1189575 as a heritage property. - c. that Item number 3628 (Cooee Tree, Sutherland):
 - iii. Amend Schedule 5 Heritage Schedule, to change the Item Name "Cooee Tree" to 'Waratah Tree' - d. that Item numbers 1023, 1053 and 1055,:
 - iv. Amend Schedule 5 Heritage Schedule, to correct the Property Descriptions as indicated below and make corresponding amendments to the Heritage Map Series:

Suburb	Item name	Address	Property description	Significance	Identifier
Cronulla	South Cronulla Beach and Cronulla Park	20R-38R Gerrale Street	Lots 2222, 2223 and Part of Lot 2224 DP 1182456, Lot 1 DP 963734, Lot 1 DP 172078, Lot 1 DP 958158, Lot 12 DP 12149, Part of Lot D DP 173271.	Local	1023
Cronulla	Cronulla Sports Complex	The Esplanade	Lots B and C DP 173271	Local	1052
Cronulla	The Esplanade - Walking path of eastern foreshore,	The Esplanade	Part of Lot 2224 DP 1182456	Local	1053

	extending from <i>Cronulla Park and Beach</i> to Bass and Flinders Point				
Cronulla	Cronulla Surf Club	The Esplanade, to the east of Cronulla Park	Lot 2221 DP 71182456 and Lot A DP 173271	Local	1055

- e. That items Georges River National Park (0101), Heathcote National Park (1707 and A1712), Royal National Park (3409 and A3437), 6 Excelsior Road, Cronulla - Garden and trees (1064) and Waterfall Railway turntable (A4003) be removed from the Heritage Map.
- f. That the identifier label for Item 2010 'Cranbrook' – house at 45-53 Fowler Road, Illawong be corrected from 'I2010' to '2010' on the Heritage Map.
- g. That the mapping of 19 Shipwright Place, Oyster Bay be amended to match the new lot boundaries.
- h. That the entries relating to the Fisheries Research Institute, Cronulla be corrected to read as follows:

In Part 1:

Cronulla	Fisheries Research Institute	Hungry Point Reserve, southern end of Nicholson Parade	Lots 257, 1129 and 1187, DP 752064	State	1040
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In Part 2:

Cronulla	Fisheries Research Institute	Hungry Point Reserve, southern end of Nicholson Parade	Lots 257, 1129 and 1187, DP 752064	State	A1073
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- 8. That in relation to Land Reservation Acquisitions Map, that Lot 1 DP 1205214 (172R Karimbla Road, Miranda) and Lot 102 DP 1159806 be removed from the Land Reservations Acquisition Map.
- 9. That in relation to Mapping Anomalies;
 - a. That the Floor Space Ratio Maps be amended to reflect a Floor Space Ratio of 0.55:1 on the following lots:
Lots 1,2 and 3 Sec 77 DP 245144; Lots 4 to 7 inclusive Sec 77 DP 244335; Lots 8 to 21 inclusive Sec 77 DP 245144; Lots 1 to 5 inclusive DP 801080
 - b. That the Landscape Area Map be amended to apply a landscape area requirement of 40% on the following lots:
Lots 1 to 5 inclusive DP 801080

10. That in relation to Zoning along the Foreshore;
 - a. That 42A Wonga Road, Yowie Bay (Lot 2 DP 1190478) be zoned E3 Environmental Management in its entirety.
 - b. That 16 Bayview Road, Burraneer (Lot 6 DP 16899) be zoned E4 Environmental Living in its entirety and the land below MHWL be zoned W2 Recreational Waterways.
 - c. That 6 Excelsior Road, Cronulla (Lot 1 DP 1208273) be zoned R2 Low Density Residential in its entirety.
 - d. That 289 Woollooware Road, Burraneer (Lot 1 DP 1190800) be zoned E4 Environmental Living in its entirety.
 - e. That 6 Fowler Road Illawong (Lot 30 DP 1190201) be zoned to E3 Environmental Management.
 - f. That 9 & 11 Hold Road, Taren Point (Lot 4 DP 879606 & Lot 1 DP 1211416) be rezoned to E4 Environmental Living.
 - g. That 42 Rutherford Avenue, Burraneer (Lot 1 DP 1211640) - rezone the whole property to E3 Environmental Management.
 - h. That 5 Juvenis Avenue (Lot 111 DP 1006608) and 1 Juvenis Avenue (Lot 104 DO 623011), Oyster Bay revert to a dual zone, part E3 Environmental Management and part W1 Recreational Waterways, with MHWL forming the boundary between the zones.
 - i. That 36 Wonga Road, Yowie Bay (Lot 76 DP 11491) be zoned E3 Environmental Management in its entirety.
 - j. That Consequential mapping changes be made to the following Map Series in relation to the properties identified above: Height of Buildings, Floor Space Ratio, Landscape Area, Minimum Lot Size, Flood Planning, Biodiversity, Groundwater Vulnerability, Riparian Lands and Watercourses, Natural Landforms and Additional Permitted Uses.
11. That in relation to Additions to the Royal National Park; that the zoning of Lots 15 to 18 inclusive Section K DP 1782 be amended to E1 National Parks and Nature Reserves.
12. That in relation to Foreshore Building Line; that Clause 6.9 Limited development on foreshore area be amended to include inclinations in subclause 2(c) as a permitted development within the foreshore area.
13. That in relation to Drafting Errors;
 - a. That Schedule 1 Additional Permitted Uses be amended to correctly identify item 2 as relating to 34 Shell Road, Burraneer.
 - b. That Clause 6.11 be amended to include 68 Tirto Street, Barden Ridge (Part Lot 218 DP 18174) and 155-157 Woronora River Frontages, Bangor (Lot 70 and 71 DP 8754)

14. That in relation to 2 Mitchell Avenue, Jannali:
 - a. That Lot 19 Sec A DP2092 be rezoned from Zone 2 Low Density Residential to Zone B2 Local Centre, with FSR Map amended to FSR 1:1 and height to remain unchanged at 8.5m.
 - b. That consequential map changes be made as follows: The Height Map to be amended to remove the lot from Area 6. The Landscape Area Map to be amended to remove the lot from Area 6 and to remove the landscaped area requirement. The Lot Size map to be amended to remove the minimum lot size.
15. That in relation to the Reclassifications and Rezoning matters:
 - a. That the following four minor reclassifications and rezoning proposals which were previously supported by Council be included in the comprehensive 'housekeeping' planning proposal to form Sutherland Shire Local Environmental Plan 2015 - Amendment 4:
 - The reclassification of 34R-36R Caravan Head Road, Oyster Bay (Lot 219 DP 259657) from 'Community' land to 'Operational' land.
 - The reclassification 13R Pinnacle Street, Miranda (Lot 31 DP 11987) from 'Community' land to 'Operational' land.
 - The reclassification of 75.5m² of land forming Part of 2R Alexander Road, Taren Point (Part Lot 1 DP 234622) from 'Community' land to 'Operational' land; and the rezoning of this land from RE1 Public Recreation to E4 Environmental Living.
 - The reclassification of 9 Kingsway, Cronulla (Lot 1 DP 700935) from 'Community' land to 'Operational' land.
 - b. That the following two minor reclassifications and rezoning matters are supported and included in the comprehensive 'housekeeping' planning proposal to form Sutherland Shire Local Environmental Plan 2015 - Amendment 4:
 - The reclassification of 1 and 2 Myuna Place, Port Hacking (Lot 10 DP 255123 and Lot 9 DP 255123) from 'Community' land to 'Operational' land. It is also recommended that the interests numbers 1, 2, and 4 be discharged from the land at 1 Myuna Place, Port Hacking (Lot 10 DP 255123) and that interests 1, 2 and 3 be discharged from the land at 2 Myuna Place, Port Hacking (Lot 9 DP 255123).
16. That the former Council sullage depot at 441 Princes Highway, Kareela (off Bates Drive) be rezoned SP2 Infrastructure with the specified use of 'Waste and Resource Management Facility' to facilitate a Community Recycling Centre.
17. That Part 159R Sutherland Road Jannali, as shown in Figure 5, be rezoned from E2 Environmental Conservation to RE1 Public Recreation.
18. That the above amendments be incorporated into a Planning Proposal to be submitted to the NSW Planning and Environment for Gateway Approval.

COMMITTEE RECOMMENDATION

1. That in relation to Jannali Baseball Field; that the Jannali Baseball Field and the adjacent land indicated in Figure 2 (Part of Lot 200 DP 1081859 and Part of Lot 1230 DP 821652) be zoned RE1 Public Recreation.
2. That in relation to 285, 289 and 291 Woollooware Road, Burraneer;
 - a. that the Foreshore Building Line be changed for 285, 289 and 291 Woollooware Road, Burraneer to reflect the redefined Foreshore Building Line outlined within the report (blue line in Figure 3).
 - b. that the whole lot 289 Woollooware Road, Burraneer (Lot 1 DP 1190800) be zoned E4 Environmental Living.
 - c. that corresponding amendments to the following map series be made:
 - i. Terrestrial Biodiversity – to identify the whole of Lot 1 DP 1190800 as Environmentally Sensitive Land;
 - ii. Flood Planning – to remove the land above the Mean High Water Mark on Lot 1 DP 1190800 from the map;
 - iii. Floor Space Ratio – to apply applicable Floor Space Ratio to the whole of Lot 1 DP 1190800;
 - iv. Height of Buildings – to identify the maximum building height applicable to the whole of Lot 1 DP 1190800;
 - v. Landscape Area – to identify the landscape area requirement applicable to the whole of Lot 1 DP 1190800;
 - vi. Minimum Lot Size – to identify the minimum lot size applicable to the whole of Lot 1 DP 1190800.
3. That in relation to 7 Preston Avenue, Engadine (Lot 5 DP 232490)
 - a. that the land at 7 Preston Avenue, Engadine (Lot 5 DP 232490) be rezoned from R4 High Density Residential to B3 Commercial Core with an increase in Floor Space Ratio from 1.2:1 to 2:1, building height from 16m to 20m and removal of landscaped area requirement.
 - b. that a specific clause be drafted and inserted in the DCP at the first amendment to require a 3m ground floor setback to the adjoining residential land to the south.
4. That in relation to 66-74 Karimbla Road, Miranda:
 - a. that the subject property at 66-74 Karimbla Road, Miranda (Lot 6 DP 566645) that forms part of the southern section of Centenary Park be rezoned to RE1 Public Recreation.
 - b. that consequential changes be made to remove development standards from the relevant maps.
5. That in relation to Zoning of Sydney Water Assets;
 - a. that the following properties be rezoned SP2 Infrastructure (Water Supply): Lot 10 DP 1047868, Lot 1 DP 567699, Lot 1 DP 586904, Lot 1 DP 558511, Lot 1 DP 584277, Lot 1 DP 569800, Lot 1 DP 605978, Lot 1017 DP 260670, Lot 1 DP 828667, Lot 1 DP 814764, Lot 114 DP 260718, Lot 34 DP 238109, Lot 876 DP

243686, Lot 1 DP 805941, Lot 1 DP 578648, Lot 1 DP 578926, Lot 1 DP 596086, Lot 1 DP 828665, Lot 1 DP 814765, Lot 3 DP 814765, Lot 520 DP 236743, Lot 820 DP 259014, Lot 1 DP 547706, Lot 2 DP 614091, Lot 1174 DP 262462, Lot 1 DP 1049533, Lot 1 DP 200123, Lot 1 DP 200124, Lot 1 DP 200269, Lot 1 DP 217569, Lot 1 DP 225559, Lot 1 DP 543755, Lot 1 DP 561361, Lot 1 DP 570656, Lot 1 DP 571182, Lot 1 DP 575521, Lot 1 DP 580112, Lot 1 DP 603064, Lot 1 DP 625476, Lot 1 DP 583747, Lot 2 DP 1088319, Lot 5 DP 842946 (excluding part previously forming Lot 1 DP 876077), Lot 1 DP 602360, Lot 1 DP 827997, Lot 1 DP 869129, Lot 10 DP 1047870, Lot 355 DP 748954, Lot 356 DP 748954, Lot 1 and 2 DP 1047125, Lot 250 DP 1047123, Lot 1 DP 551410, Lot 1 DP 590679, Lot 1 DP 712880, Lot 3 DP 862912, Lot 1 DP 106963, Lot 1 DP 442583, Lot 1 DP 630540, Lot 1 DP 631300, Lot 1 DP 579795, Lot 31 DP 1023169, Lot 43 DP 262446, Lot 1 DP 862912, Lot 2 DP 862912, Lot 1 and 2 DP 1047120, Lot 10 DP 1047869, Lot 11 DP 717528, Lot 1 DP 600203, Lot 51 DP 713983, Lot 66 DP 220629, Lot 1 DP 588294.

- b. that the following properties be rezoned SP2 Infrastructure (Sewerage System): Lot 1 DP 502629, Lot 7324 DP 1160255, Lot 1 DP 574836, Lot 10 DP 1088312
 - c. that the following map series be amended to remove any development standards associated with the above lots: FSR, HOB, LSA and LSZ.
6. That in relation to 574 Kingsway, Miranda; that Lot 4 DP10454 be zoned SP2 Infrastructure – Telecommunications.
7. That in relation to Heritage Amendments;
- a. that Item numbers 2603 and 2604 ('Beckton' House and 'Beckton Recreational Group'):
 - i. Amend Schedule 5 Heritage Schedule, to refer to Lot 48 DP 1193005.
 - ii. Amend the Heritage Map Series so the mapped extent of the heritage item aligns with the new property boundary between Lots 47 and 48 DP 1193005.
 - b. that Item number 2016 (119-121 Fowler Road, Illawong):
 - i. Amend Schedule 5 Heritage Schedule, to only refer to 119 Fowler Road, Illawong (Lot 202 48 DP 1189575)
 - ii. Amend the Heritage Map Series to remove Lot 201 1189575 as a heritage property.
 - c. that Item number 3628 (Cooee Tree, Sutherland):
 - iii. Amend Schedule 5 Heritage Schedule, to change the Item Name "Cooee Tree" to 'Waratah Tree'
 - d. that Item numbers 1023, 1053 and 1055,:
 - iv. Amend Schedule 5 Heritage Schedule, to correct the Property Descriptions as indicated below and make corresponding amendments to the Heritage Map Series:

Suburb	Item name	Address	Property description	Significance	Identifier
Cronulla	Cronulla Beach and Cronulla	20R-38R Gerrale Street	Lots 2222, 2223 and Part of Lot	Local	1023

	Park		2224 DP 1182456, Lot 1 DP 963734, Lot 1 DP 172078, Lot 1 DP 958158, Lot 12 DP 12149, Part of Lot D DP 173271.		
Cronulla	Cronulla Sports Complex	The Esplanade	Lots B and C DP 173271	Local	1052
Cronulla	The Esplanade - Walking path of eastern foreshore, extending from <i>Cronulla Park and Beach</i> to Bass and Flinders Point	The Esplanade	Part of Lot 2224 DP 1182456	Local	1053
Cronulla	Cronulla Surf Club	The Esplanade, to the east of Cronulla Park	Lot 2221 DP 71182456 and Lot A DP 173271	Local	1055

- e. That items Georges River National Park (0101), Heathcote National Park (1707 and A1712), Royal National Park (3409 and A3437), 6 Excelsior Road, Cronulla - Garden and trees (1064) and Waterfall Railway turntable (A4003) be removed from the Heritage Map.
- f. That the identifier label for Item 2010 'Cranbrook' – house at 45-53 Fowler Road, Illawong be corrected from 'I2010' to '2010' on the Heritage Map.
- g. That the mapping of 19 Shipwright Place, Oyster Bay be amended to match the new lot boundaries.
- h. That the entries relating to the Fisheries Research Institute, Cronulla be corrected to read as follows:

In Part 1:

Cronulla	Fisheries Research Institute	Hungry Point Reserve, southern end of Nicholson Parade	Lots 257, 1129 and 1187, DP 752064	State	1040
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In Part 2:

Cronulla	Fisheries Research Institute	Hungry Point Reserve, southern end of Nicholson Parade	Lots 257, 1129 and 1187, DP 752064	State	A1073
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8. That in relation to Land Reservation Acquisitions Map, that Lot 1 DP 1205214 (172R Karimbla Road, Miranda) and Lot 102 DP 1159806 be removed from the Land Reservations Acquisition Map.
9. That in relation to Mapping Anomalies;
 - a. That the Floor Space Ratio Maps be amended to reflect a Floor Space Ratio of 0.55:1 on the following lots:
Lots 1,2 and 3 Sec 77 DP 245144; Lots 4 to 7 inclusive Sec 77 DP 244335; Lots 8 to 21 inclusive Sec 77 DP 245144; Lots 1 to 5 inclusive DP 801080
 - b. That the Landscape Area Map be amended to apply a landscape area requirement of 40% on the following lots:
Lots 1 to 5 inclusive DP 801080
10. That in relation to Zoning along the Foreshore;
 - a. That 42A Wonga Road, Yowie Bay (Lot 2 DP 1190478) be zoned E3 Environmental Management in its entirety.
 - b. That 16 Bayview Road, Burraneer (Lot 6 DP 16899) be zoned E4 Environmental Living in its entirety and the land below MHWL be zoned W2 Recreational Waterways.
 - c. That 6 Excelsior Road, Cronulla (Lot 1 DP 1208273) be zoned R2 Low Density Residential in its entirety.
 - d. That 289 Woollooware Road, Burraneer (Lot 1 DP 1190800) be zoned E4 Environmental Living in its entirety.
 - e. That 6 Fowler Road Illawong (Lot 30 DP 1190201) be zoned to E3 Environmental Management.
 - f. That 9 & 11 Holt Road, Taren Point (Lot 4 DP 879606 & Lot 1 DP 1211416) be rezoned to E4 Environmental Living.
 - g. That 42 Rutherford Avenue, Burraneer (Lot 1 DP 1211640) - rezone the whole property to E3 Environmental Management.
 - h. That 5 Juvenis Avenue (Lot 111 DP 1006608) and 1 Juvenis Avenue (Lot 104 DO 623011), Oyster Bay revert to a dual zone, part E3 Environmental Management and part W1 Recreational Waterways, with MHWL forming the boundary between the zones.
 - i. That 36 Wonga Road, Yowie Bay (Lot 76 DP 11491) be zoned E3 Environmental Management in its entirety.
 - j. That Consequential mapping changes be made to the following Map Series in relation to the properties identified above: Height of Buildings, Floor Space Ratio, Landscape Area, Minimum Lot Size, Flood Planning, Biodiversity, Groundwater Vulnerability, Riparian Lands and Watercourses, Natural Landforms and Additional Permitted Uses.

11. That in relation to Additions to the Royal National Park; that the zoning of Lots 15 to 18 inclusive Section K DP 1782 be amended to E1 National Parks and Nature Reserves.
12. That in relation to Foreshore Building Line; that Clause 6.9 Limited development on foreshore area be amended to include inclinators in subclause 2(c) as a permitted development within the foreshore area.
13. That in relation to Drafting Errors;
 - a. That Schedule 1 Additional Permitted Uses be amended to correctly identify item 2 as relating to 34 Shell Road, Burraneer.
 - b. That Clause 6.11 be amended to include 68 Tirto Street, Barden Ridge (Part Lot 218 DP 18174) and 155-157 Woronora River Frontages, Bangor (Lot 70 and 71 DP 8754)
14. That in relation to 2 Mitchell Avenue, Jannali, the rezoning be referred to an independent planning consultant.
15. That in relation to the Reclassifications and Rezoning matters:
 - a. That the following four minor reclassifications and rezoning proposals which were previously supported by Council be included in the comprehensive 'housekeeping' planning proposal to form Sutherland Shire Local Environmental Plan 2015 - Amendment 4:
 - The reclassification of 34R-36R Caravan Head Road, Oyster Bay (Lot 219 DP 259657) from 'Community' land to 'Operational' land.
 - The reclassification 13R Pinnacle Street, Miranda (Lot 31 DP 11987) from 'Community' land to 'Operational' land.
 - The reclassification of 75.5m² of land forming Part of 2R Alexander Road, Taren Point (Part Lot 1 DP 234622) from 'Community' land to 'Operational' land; and the rezoning of this land from RE1 Public Recreation to E4 Environmental Living.
 - The reclassification of 9 Kingsway, Cronulla (Lot 1 DP 700935) from 'Community' land to 'Operational' land.
 - b. That the following two minor reclassifications and rezoning matters are supported and included in the comprehensive 'housekeeping' planning proposal to form Sutherland Shire Local Environmental Plan 2015 - Amendment 4:
 - The reclassification of 1 and 2 Myuna Place, Port Hacking (Lot 10 DP 255123 and Lot 9 DP 255123) from 'Community' land to 'Operational' land. It is also recommended that the interests numbers 1, 2, and 4 be discharged from the land at 1 Myuna Place, Port Hacking (Lot 10 DP 255123) and that interests 1, 2 and 3 be discharged from the land at 2 Myuna Place, Port Hacking (Lot 9 DP 255123).
16. That the former Council sullage depot at 441 Princes Highway, Kareela (off Bates Drive) be rezoned SP2 Infrastructure with the specified use of 'Waste and Resource Management Facility' to facilitate a Community Recycling Centre.

17. That Part 159R Sutherland Road, Jannali, as shown in Figure 5, be rezoned from E2 Environmental Conservation to RE1 Public Recreation.
18. That the above amendments be incorporated into a Planning Proposal to be submitted to NSW Planning and Environment for Gateway Approval.

(Councillor Croucher / Councillor Schreiber)

COUNCIL RESOLUTION

1. That in relation to Jannali Baseball Field; that the Jannali Baseball Field and the adjacent land indicated in Figure 2 (Part of Lot 200 DP 1081859 and Part of Lot 1230 DP 821652) be zoned RE1 Public Recreation.
2. That in relation to 285, 289 and 291 Woollooware Road, Burraneer;
 - a. that the Foreshore Building Line be changed for 285, 289 and 291 Woollooware Road, Burraneer to reflect the redefined Foreshore Building Line outlined within the report (blue line in Figure 3).
 - b. that the whole lot 289 Woollooware Road, Burraneer (Lot 1 DP 1190800) be zoned E4 Environmental Living.
 - c. that corresponding amendments to the following map series be made:
 - i. Terrestrial Biodiversity – to identify the whole of Lot 1 DP 1190800 as Environmentally Sensitive Land;
 - ii. Flood Planning – to remove the land above the Mean High Water Mark on Lot 1 DP 1190800 from the map;
 - iii. Floor Space Ratio – to apply applicable Floor Space Ratio to the whole of Lot 1 DP 1190800;
 - iv. Height of Buildings – to identify the maximum building height applicable to the whole of Lot 1 DP 1190800;
 - v. Landscape Area – to identify the landscape area requirement applicable to the whole of Lot 1 DP 1190800;
 - vi. Minimum Lot Size – to identify the minimum lot size applicable to the whole of Lot 1 DP 1190800.
3. That in relation to 7 Preston Avenue, Engadine (Lot 5 DP 232490)
 - a. that the land at 7 Preston Avenue, Engadine (Lot 5 DP 232490) be rezoned from R4 High Density Residential to B3 Commercial Core with an increase in Floor Space Ratio from 1.2:1 to 2:1, building height from 16m to 20m and removal of landscaped area requirement.
 - b. that a specific clause be drafted and inserted in the DCP at the first amendment to require a 3m ground floor setback to the adjoining residential land to the south.
4. That in relation to 66-74 Karimbla Road, Miranda:
 - a. that the subject property at 66-74 Karimbla Road, Miranda (Lot 6 DP 566645) that

forms part of the southern section of Centenary Park be rezoned to RE1 Public Recreation.

- b. that consequential changes be made to remove development standards from the relevant maps.
5. That in relation to Zoning of Sydney Water Assets;
 - a. that the following properties be rezoned SP2 Infrastructure (Water Supply):
 Lot 10 DP 1047868, Lot 1 DP 567699, Lot 1 DP 586904, Lot 1 DP 558511, Lot 1 DP 584277, Lot 1 DP 569800, Lot 1 DP 605978, Lot 1017 DP 260670, Lot 1 DP 828667, Lot 1 DP 814764, Lot 114 DP 260718, Lot 34 DP 238109, Lot 876 DP 243686, Lot 1 DP 805941, Lot 1 DP 578648, Lot 1 DP 578926, Lot 1 DP 596086, Lot 1 DP 828665, Lot 1 DP 814765, Lot 3 DP 814765, Lot 520 DP 236743, Lot 820 DP 259014, Lot 1 DP 547706, Lot 2 DP 614091, Lot 1174 DP 262462, Lot 1 DP 1049533, Lot 1 DP 200123, Lot 1 DP 200124, Lot 1 DP 200269, Lot 1 DP 217569, Lot 1 DP 225559, Lot 1 DP 543755, Lot 1 DP 561361, Lot 1 DP 570656, Lot 1 DP 571182, Lot 1 DP 575521, Lot 1 DP 580112, Lot 1 DP 603064, Lot 1 DP 625476, Lot 1 DP 583747, Lot 2 DP 1088319, Lot 5 DP 842946 (excluding part previously forming Lot 1 DP 876077), Lot 1 DP 602360, Lot 1 DP 827997, Lot 1 DP 869129, Lot 10 DP 1047870, Lot 355 DP 748954, Lot 356 DP 748954, Lot 1 and 2 DP 1047125, Lot 250 DP 1047123, Lot 1 DP 551410, Lot 1 DP 590679, Lot 1 DP 712880, Lot 3 DP 862912, Lot 1 DP 106963, Lot 1 DP 442583, Lot 1 DP 630540, Lot 1 DP 631300, Lot 1 DP 579795, Lot 31 DP 1023169, Lot 43 DP 262446, Lot 1 DP 862912, Lot 2 DP 862912, Lot 1 and 2 DP 1047120, Lot 10 DP 1047869, Lot 11 DP 717528, Lot 1 DP 600203, Lot 51 DP 713983, Lot 66 DP 220629, Lot 1 DP 588294.
 - b. that the following properties be rezoned SP2 Infrastructure (Sewerage System):
 Lot 1 DP 502629, Lot 7324 DP 1160255, Lot 1 DP 574836, Lot 10 DP 1088312
 - c. that the following map series be amended to remove any development standards associated with the above lots: FSR, HOB, LSA and LSZ.
 6. That in relation to 574 Kingsway, Miranda; that Lot 4 DP10454 be zoned SP2 Infrastructure – Telecommunications.
 7. That in relation to Heritage Amendments;
 - a. that Item numbers 2603 and 2604 ('Beckton' House and 'Beckton Recreational Group'):
 - i. Amend Schedule 5 Heritage Schedule, to refer to Lot 48 DP 1193005.
 - ii. Amend the Heritage Map Series so the mapped extent of the heritage item aligns with the new property boundary between Lots 47 and 48 DP 1193005.
 - b. that Item number 2016 (119-121 Fowler Road, Illawong):
 - i. Amend Schedule 5 Heritage Schedule, to only refer to 119 Fowler Road, Illawong (Lot 202 48 DP 1189575)
 - ii. Amend the Heritage Map Series to remove Lot 201 1189575 as a heritage property.
 - c. that Item number 3628 (Cooee Tree, Sutherland):

- iii. Amend Schedule 5 Heritage Schedule, to change the Item Name "Cooee Tree" to 'Waratah Tree'
- d. that Item numbers 1023, 1053 and 1055,:
- iv. Amend Schedule 5 Heritage Schedule, to correct the Property Descriptions as indicated below and make corresponding amendments to the Heritage Map Series:

Suburb	Item name	Address	Property description	Significance	Identifier
Cronulla	Cronulla Beach and Cronulla Park	20R-38R Gerrale Street	Lots 2222, 2223 and Part of Lot 2224 DP 1182456, Lot 1 DP 963734, Lot 1 DP 172078, Lot 1 DP 958158, Lot 12 DP 12149, Part of Lot D DP 173271.	Local	1023
Cronulla	Cronulla Sports Complex	The Esplanade	Lots B and C DP 173271	Local	1052
Cronulla	The Esplanade - Walking path of eastern foreshore, extending from Cronulla Park and Beach to Bass and Flinders Point	The Esplanade	Part of Lot 2224 DP 1182456	Local	1053
Cronulla	Cronulla Surf Club	The Esplanade, to the east of Cronulla Park	Lot 2221 DP 71182456 and Lot A DP 173271	Local	1055

- e. That items Georges River National Park (0101), Heathcote National Park (1707 and A1712), Royal National Park (3409 and A3437), 6 Excelsior Road, Cronulla - Garden and trees (1064) and Waterfall Railway turntable (A4003) be removed from the Heritage Map.
- f. That the identifier label for Item 2010 'Cranbrook' – house at 45-53 Fowler Road, Illawong be corrected from '12010' to '2010' on the Heritage Map.
- g. That the mapping of 19 Shipwright Place, Oyster Bay be amended to match the new lot boundaries.
- h. That the entries relating to the Fisheries Research Institute, Cronulla be corrected to read as follows:

In Part 1:

Cronulla	Fisheries Research Institute	Hungry Point Reserve,	Lots 257, 1129 and 1187, DP 752064	State	1040
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		southern end of Nicholson Parade			
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In Part 2:

Cronulla	Fisheries Research Institute	Hungry Point Reserve , southern end of Nicholson Parade	Lots 257 , 1129 and 1187, DP 752064	State	A1073
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8. That in relation to Land Reservation Acquisitions Map, that Lot 1 DP 1205214 (172R Karimbla Road, Miranda) and Lot 102 DP 1159806 be removed from the Land Reservations Acquisition Map.
9. That in relation to Mapping Anomalies;
 - a. That the Floor Space Ratio Maps be amended to reflect a Floor Space Ratio of 0.55:1 on the following lots:
Lots 1,2 and 3 Sec 77 DP 245144; Lots 4 to 7 inclusive Sec 77 DP 244335; Lots 8 to 21 inclusive Sec 77 DP 245144; Lots 1 to 5 inclusive DP 801080
 - b. That the Landscape Area Map be amended to apply a landscape area requirement of 40% on the following lots:
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10. That in relation to Zoning along the Foreshore;
 - a. That 42A Wonga Road, Yowie Bay (Lot 2 DP 1190478) be zoned E3 Environmental Management in its entirety.
 - b. That 16 Bayview Road, Burraneer (Lot 6 DP 16899) be zoned E4 Environmental Living in its entirety and the land below MHWL be zoned W2 Recreational Waterways.
 - c. That 6 Excelsior Road, Cronulla (Lot 1 DP 1208273) be zoned R2 Low Density Residential in its entirety.
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 - g. That 42 Rutherford Avenue, Burraneer (Lot 1 DP 1211640) - rezone the whole property to E3 Environmental Management.
 - h. That 5 Juvenis Avenue (Lot 111 DP 1006608) and 1 Juvenis Avenue (Lot 104 DO

623011), Oyster Bay revert to a dual zone, part E3 Environmental Management and part W1 Recreational Waterways, with MHWL forming the boundary between the zones.

- i. That 36 Wonga Road, Yowie Bay (Lot 76 DP 11491) be zoned E3 Environmental Management in its entirety.
 - j. That Consequential mapping changes be made to the following Map Series in relation to the properties identified above: Height of Buildings, Floor Space Ratio, Landscape Area, Minimum Lot Size, Flood Planning, Biodiversity, Groundwater Vulnerability, Riparian Lands and Watercourses, Natural Landforms and Additional Permitted Uses.
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 - a. That Schedule 1 Additional Permitted Uses be amended to correctly identify item 2 as relating to 34 Shell Road, Burraneer.
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 - a. That the following four minor reclassifications and rezoning proposals which were previously supported by Council be included in the comprehensive 'housekeeping' planning proposal to form Sutherland Shire Local Environmental Plan 2015 - Amendment 4:
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 - The reclassification 13R Pinnacle Street, Miranda (Lot 31 DP 11987) from 'Community' land to 'Operational' land.
 - The reclassification of 75.5m² of land forming Part of 2R Alexander Road, Taren Point (Part Lot 1 DP 234622) from 'Community' land to 'Operational' land; and the rezoning of this land from RE1 Public Recreation to E4 Environmental Living.
 - The reclassification of 9 Kingsway, Cronulla (Lot 1 DP 700935) from 'Community' land to 'Operational' land.
 - b. That the following two minor reclassifications and rezoning matters are supported and included in the comprehensive 'housekeeping' planning proposal to form

Sutherland Shire Local Environmental Plan 2015 - Amendment 4:

- The reclassification of 1 and 2 Myuna Place, Port Hacking (Lot 10 DP 255123 and Lot 9 DP 255123) from 'Community' land to 'Operational' land. It is also recommended that the interests numbers 1, 2, and 4 be discharged from the land at 1 Myuna Place, Port Hacking (Lot 10 DP 255123) and that interests 1, 2 and 3 be discharged from the land at 2 Myuna Place, Port Hacking (Lot 9 DP 255123).
16. That the former Council sullage depot at 441 Princes Highway, Kareela (off Bates Drive) be rezoned SP2 Infrastructure with the specified use of 'Waste and Resource Management Facility' to facilitate a Community Recycling Centre.
 17. That Part 159R Sutherland Road, Jannali, as shown in Figure 5, be rezoned from E2 Environmental Conservation to RE1 Public Recreation.
 18. That the above amendments be incorporated into a Planning Proposal to be submitted to NSW Planning and Environment for Gateway Approval.

(Councillor Provan / Councillor Johns)